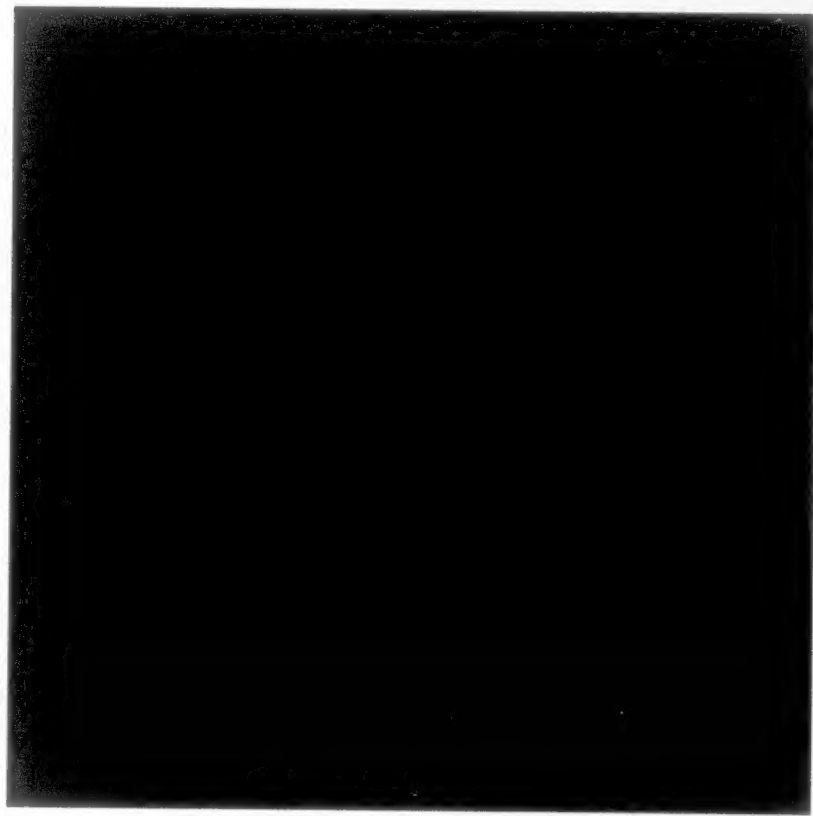
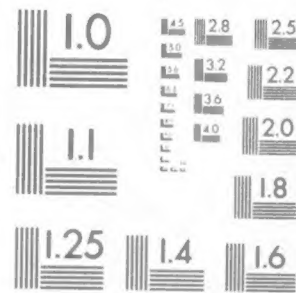
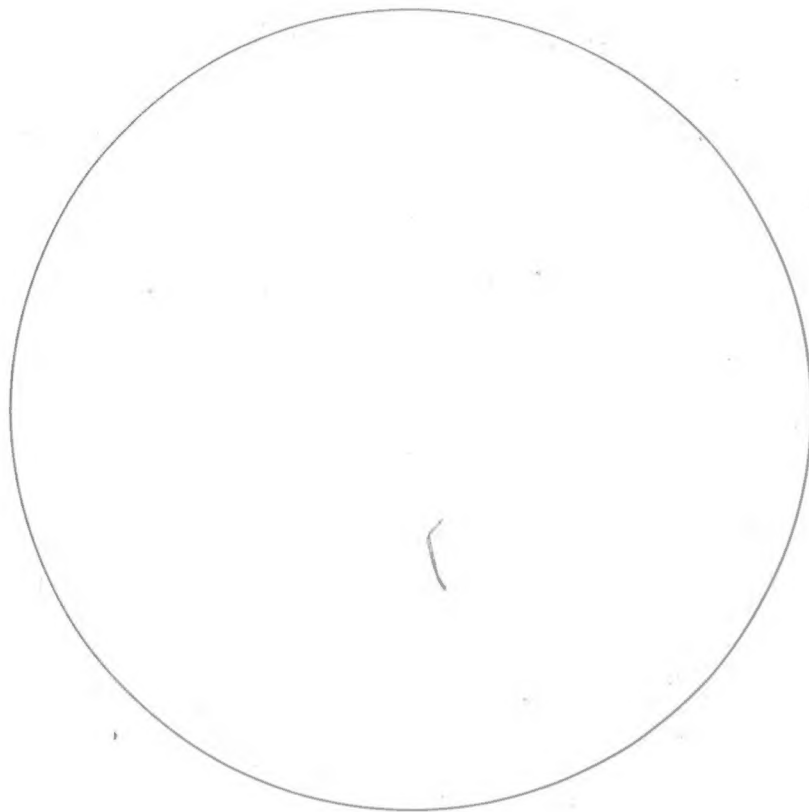
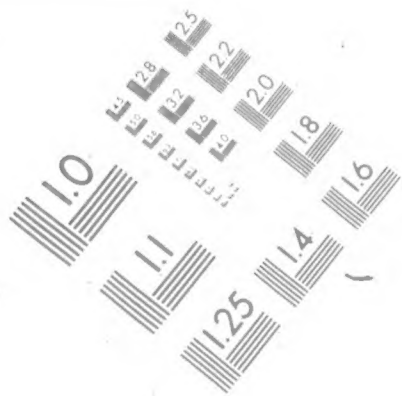


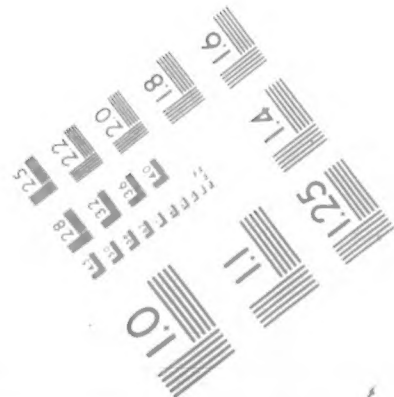
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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 348

CHEROKEE R961 - R1035

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Cher R 961

Cher R 961

Cher. D 2525

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLITT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1895 Cherokee roll,
their families and descendants:

John Thornberry, page 74, # 2052, Canadian District; also on
1894 roll, page 100, # 2112, Canadian District, as John Thornberry.
Orkara Thornberry, page 74, # 2059, Canadian District; also
on 1894 roll, page 100, # 2114, Canadian District, as Lena Thornberry

(Continued in space below)

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?

A I desire to apply for the following named persons on the 1860
Cherokee roll, their families and their descendants:

Rachel Thornberry, 1896 roll, page 74, # 2060, Canadian Dis-
trict; also on 1894 roll, page 100, # 2115, Canadian District, as
Rachel Thornberry;

Willie Thornberry, 1896 roll, page 74, # 2061, Canadian Dis-
trict; also on 1894 roll, page 100, # 2116, Canadian District, as
Willie Thornberry;

Note: "Greek citizens. Mother, Annie Thornberry on 1860 C. R.
Canadian District, as Annie Smith".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 18, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, November 19, 1901.

In the matter of the application of William M. Thornberry for the enrollment of his wife, Annie Thornberry, and his five minor children, John, Lena, Rachael, Willie and Wynema Thornberry, as citizens of the Creek Nation.

Appearances: H. C. Reed, Attorney for the Creek Nation.

William M. Thornberry being duly sworn, testified as follows:

Examination by the Commission:

- Q As citizens of what nation do you now make application for the enrollment of your wife, Annie Thornberry, and your five minor children, John, Lena, Rachael, Willie and Wynema Thornberry?
A Creek Nation.
- Q What is your name? A William M. Thornberry.
- Q What is your age? A Forty-one.
- Q What is your post-office address? A Bufaula.
- Q Bufaula, Indian Territory? A Yes, sir.
- Q Are you a citizen of the Creek Nation? A No, sir. I have never made any application for citizenship. I am told that I have Creek blood but never made any application.
- Q Are you a citizen of any nation in Indian Territory? A My mother is recognized as a citizen of the Cherokee Nation, but we have always lived here.
- Q Did you ever establish your right to citizenship in any nation in the Indian Territory. A No, sir. I never did.
- Q Are you a United States citizen? A I am the way I stand now.
- Q How do you represent your wife and five minor children? A I am her husband and the father of these children.
- Q Have your wife and your five minor children ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A My wife and two of the children ought to be on the Creek rolls.
- Q Have they ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A These three have.
- Q Please state the names of the members of your family that have been enrolled by the tribal authorities of the Creek Nation? A Annie, John, and Lena Thornberry.
- Q Do their names appear on the tribal rolls of the Creek Nation?
A Yes, sir. I guess they do.

"1890 authenticated roll of the Creek Nation examined and the name of Annie Thornberry found thereon at page 2 35, Tuckabatchee town."

"1891 omitted roll of the Creek Nation examined and the name of Lena Thornberry found thereon at No. 1001. The names of the other minor children not found thereon."

"The 1898 authenticated roll of the Creek Nation examined and the names of none of the aforesaid applicants found thereon"

- Q Were they ever admitted by the Creek Citizenship Commission as citizens of the Creek Nation under an act of the Creek council approved May 30, 1898? A I do not know whether they were or not.

"The records of the Creek Citizenship Commission examined and the names of said applicants not found thereon."

Q Were they admitted by the Commission to the Five Civilized Tribes as citizens of the Creek Nation under an act of Congress approved June 10, 1896? A I do not know whether they were or not

"List of citizens admitted by the Commission to the Five Civilized Tribes examined and the names of said applicants not found thereon."

Q Were they admitted by the United States Court for the Northern District of Indian Territory upon appeal from the decision of the tribal authorities of the Creek Nation or from the decision of the Commission to the Five Civilized Tribes as citizens of the Creek Nation, under the act of Congress of June 10, 1896? A No, sir.

"The Court records of the United States Court for the Northern District of Indian Territory examined and the names of applicants not found to have been admitted by the judgment of said court."

Q Were they ever enrolled as citizens of the Creek Nation by the Commission to the Five Civilized Tribes? A No, sir.

"The records of the Commission examined and the names of said applicants not found to have been regularly enlisted for enrollment as citizens of the Creek Nation."

The names of Anna, John, Oriana, Rachael, Willie and Wynema Thornberry found enrolled on old Creek census card No. 1022."

Q What is the name of your wife for whom you now make application for enrollment? A Annis Thornberry.

Q Is she now living? A No, sir.

Q When did she die? A On the 17th day of October two years ago.

Q In what year did she die? A She died in 1899.

Q What was her age at the time of her death? A About 34 I think.

Q To what town in the Creek Nation did she belong? A Tuckabatchee.

Q What is the name of your wife's father? A Jim Smith.

Q Is he now living? A No, sir.

Q Is his name on any of the rolls of the Creek Nation? A I do not know, I suspect it is.

Q To what town in the Creek Nation did he belong? A Tuckabatchee.

Q Was he a citizen by blood of the Creek Nation? A Yes, sir. He claimed to be

Q What is the name of your wife's mother? A Lisa Smith.

Q Is she living? A No, sir.

Q Is her name on any of the rolls of the Creek Nation? A I think not.

Q To what town in the Creek Nation did she belong? A She did not belong to any town in the Creek Nation that I knew of.

Q She made no claim to citizenship in the Creek Nation? A No, sir not that I know of.

Q Was she a citizen of any other nation in Indian Territory? A Cherokee Nation.

Q Was she a duly recognized citizen of the Cherokee Nation? A Yes, sir, I think so.

Q Do you know whether her name is on the 1880 Cherokee roll? A I do not. I think not.

Q What are the names and ages of your minor children for whom you now make application for enrollment as citizens of the Creek Nation? A John 24, Lema 12, Rachael 9, Willie 8 and Wynema 5.

Q Are all these children now living? A All but Wynema.

Q Please state the day of the month and year when Wynema died? A The 3rd day of September two years ago.

- Q She died in 1899 then? A Yes, sir.
- Q Was your deceased wife, Annie Thornsberry, the mother of all your said minor children? A Yes, sir.
- Q Are you the father of all these said minor children? A Yes, sir.
- Q Have your wife and minor children ever been recognized or enrolled as citizens of any nation or tribe other than in the Creek Nation? A Yes, sir.
- Q Have they ever drawn money in any nation or tribe other than the Creek Nation? A Yes, sir.
- Q Does the name of your wife and the names of your minor children appear on the census roll of the Cherokee Nation for the year 1897? A I think they do.
- Q How many of your children did your wife draw money for at that time? A John, Lena, Rachael and Willie.
- Q Did your wife and any of her minor children participate in the strip payment of 1894? A She did, but none of the children did that I remember of.
- Q Your wife, Annie Thornsberry is not a full-blood Creek Indian? A No, sir. She is not a full-blood.
- Q Is she part Creek? A Yes, sir, on my father's side.
- Q Did your wife ever make application for the enrollment of herself and minor children as citizens of the Cherokee Nation? A Not that I know of.
- Q Do you make your residence here in the Creek Nation? A Yes, sir.
- Q How long have you resided in the Creek Nation? A A little over two years since I came from the Cherokee Nation.
- Q Does your wife and minor children reside with you in the Creek Nation? A Yes, sir.
- Q When did you come to the Creek Nation? A On or about three years ago. I can't say positive.
- Q Where did you and your wife and minor children live prior to the time you came to the Creek Nation? A In the Cherokee Nation.
- Q How long did you reside in the Cherokee Nation? A On or about two years, I believe, we lived in the Cherokee Nation.
- Q When did you go to the Cherokee Nation? A We went to the Cherokee Nation in the year of the strip payment, in the spring.
- Q That was in 1894? A Somewhere in there.
- Q Where did you live before that time? A In the Creek Nation.
- Q How long did you live in the Creek Nation at that time? A We lived nearly all our life in the Creek Nation.
- Q Did you ever live in any of the states? A No, sir.
- Q Did your wife ever live in any of the states? A No, sir.
- Q Your wife and children have always resided in the Indian Territory? A Yes, sir.
- Q If it should be found that your wife, Annie Thornsberry, and her five minor children, have heretofore been recognized by the tribal authorities of both the Creek and Cherokee Nations, as citizens of which nation do you now elect to have them enrolled and receive allotments of land and share in the distribution of moneys? A I would rather have it in the Creek Nation.
- Q Are there any additional statements that you desire to make at this time with reference to your application? A No, sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your wife and five minor children as citizens of the Creek Nation, which will be mailed to you at your present post office address.

I, R.B. Eisenberg, being duly sworn, on oath state, as stenographer to the Commission to the Five Civilized Tribes, that the above and foregoing is a full, true, and correct transcript of typographic notes of the proceedings had in the above named cause.

R. B. Eisenberg

Subscribed and sworn to before me at
Muskogee, Indian Territory, this
_____ day of November, 1901.

A handwritten signature, possibly "J. H. Smith", written in dark ink above a horizontal line.

Acting Chairman.

44-5-1285
DEPARTMENT OF AGRICULTURE
COMMISSION TO THE

FILED

JAN 9 1902

 ACTING CHAIRMAN

Cherokee D 2585

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

R. 7. 13.

In the matter of the application for the enrollment of John, Lena (Orkana), Rachel and Willie Thornberry as citizens of the Cherokee Nation.

-:-

DECISION.

The record herein shows that on June 30, 1902, Ernest Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of John, Lena, (as Orkana), Rachel and Willie Thornberry, as citizens of the Cherokee Nation. The testimony of William M. Thornberry taken at Muskogee, Indian Territory, in the matter of the application of John Thornberry, et al., for enrollment as Creek citizens, Creek Card No. 4424, is filed with, and made a part of this record.

From the records of this Commission it appears that the said applicants are included in a partial roll of Creek freedmen approved by the Secretary of the Interior on May 21, 1904, Nos. 9878, 9879, 9880 and 9881, respectively.

Section twenty-eight of the Act of Congress approved July 1, 1902, (32 Stat., 716), provides as follows:

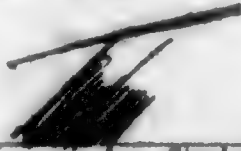
"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of John Thornberry, Lena (Orkana) Thornberry, Rachel Thornberry and Willie Thornberry

-2-

as citizens of the Cherokee Nation, should be denied, under the provisions of the law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman



Commissioner



Commissioner.

Nuskogee, Indian Territory,

FEB 24 1905

Cherokee D-2585.

Vinita, Indian Territory, January 3, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of December 29, advising the Cherokee Enrollment Division that Annie Thornsberry and her five minor children, John, Lena, Rachel, Willie and Wynema Thornsberry, have been regularly enrolled as citizens of the Creek Nation on Creek card, field number 4424.

It does not appear that an application has ever been made for the enrollment of these persons as citizens of the Cherokee Nation, but as their names appear upon some of the tribal rolls of that Nation, they have been listed from information upon Cherokee doubtful card, D-2585.

Respectfully,

Clerk in Charge.

R.P.

COMMISSIONERS
TAMM DIXIEY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE,
W. E. STANLEY

ALLISON L. AYLEWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-2585.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Vinita, Indian Territory, March 16th, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith, for disposition, the record and original card in the matter of the application for the enrollment of John Thornsberry, et al, Cherokee D-2585.

It appears that the applicants have been enrolled as Creek citizens on Creek card #180, and that they have made selections of lands in the Creek Nation.

Respectfully,


Clerk in Charge.

Enc. C-72.
JOC.

INDEXED.

COMMUNICATION TO THE PUBLIC			
NO	Received	A. S. WOOD	
7146		Book	Page
1903	MAR 18 1903		

Cherokee Land Office,
Vinita, I. T.,
March 16, 1903.

Transmits record and original
card in case of John Thorn-
berry, et al., Cherokee D
2585, for disposition.

CHIEF LAW CLERK

Cherokee D-2565
Creek 180

Muskogee, Indian Territory, April 14, 1903.

Creek Enrollment Division,
General Office.

Gentlemen:

You are hereby requested to advise the Cherokee Enrollment Division as to the status of John, Orkane, Rachel and Willie Therusberry as citizens of the Creek Nation. The records of this Division show that these applicants have heretofore been listed for enrollment on Creek card No. 180.

In replying, you are requested to refer to Cherokee card D-2565.

Respectfully,

Chairman.

COMMISSIONER
JAMES HINDY
THOMAS B. NEEDLES
C. R. BRACKENRIDGE
W. E. STANLEY

ALLISON C. AYERSWORTH
SECRETARY

ASSISTANT SECRETARY
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

9.7.10
REFERRED TO THE FOLLOWING

Creek I. 4424.

Muskogee, Indian Territory, April 21, 1903.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

Receipt is acknowledged of your letter of the 14th instant, in which you request to be advised as to the status of John, Orkana (Orleana?), Rachel and Willie Thornsberry, as citizens of the Creek Nation.

In reply, you are advised that Annie Thornsberry and her five minor children, John, Lena, Rachael, Willie and Wynema Thornsberry, have been regularly listed for enrollment as citizens of the Creek Nation on Creek Indian Card Field No. 4424, but their names have not been reported to the Secretary of the Interior for his approval.

It appears from the records of the Creek Enrollment Division that the father of Annie Thornsberry was James Smith, a citizen of the Creek Nation, and that her mother was Eliza Smith, nee Turnover, a full blood Cherokee. It further appears that the father of the children above named is Wm. M. Thornsberry, a noncitizen. It also appears that the name of Annie Thornsberry is found on the 1880 Cherokee roll as "Annie Smith", and that all of the above named applicants, except Wynema, are found on the 1894 strip payment roll and the 1896 census roll of the Cherokee Nation.

2 Cherokee En.Div.

It further appears that said Wm. M. Thornsberry, on November 19, 1901, made application for the enrollment of his wife and children, above named, as citizens of the Creek Nation, and that he elected to have them enrolled and receive their allotments of land and distribution of moneys in the Creek Nation.

You are further advised that the information here given was furnished the Cherokee Enrollment Division by letter of December 29, 1902.

Reference is made to Cherokee D.2585.

Respectfully,



Chairman.

Cherokee D 2585
Creek I 4424

Muskogee, Indian Territory, January 16, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of John, Orkema, Rachel and Willie Thornsberry, Cherokee D 2585, it appears that these applicants have also been listed for enrollment on Creek Indian Card Field No. 4424.

It is requested that the Cherokee Division be advised as to the present status of these applicants' claim to enrollment in the Creek Nation and if their names have been placed upon the final roll, it is requested that their numbers be given, together with the date of the Department's approval of said roll.

Respectfully,

Chairman.

THOMAS H. NEEDLES
S. HARRIS
A. J. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

IT IS HEREBY ORDERED THAT THE FOLLOWING

Cr. I. 4424.

Muskogee, Indian Territory, January 19, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

Receipt is acknowledged of your letter of January 16, in the matter of the application for the enrollment of John, Orkena, Rachel and Willie Thornsberry, Cherokee D. 2585. It is stated that it appears from your records that these applicants have also been listed for enrollment on Creek Indian Card Field No. 4424.

You request that the Cherokee Enrollment Division be advised as to the present status of these applicants' claim for enrollment in the Creek Nation, and if their names have been placed upon the final roll it is requested that their numbers be given, together with the date of the Department's approval of said roll.

In reply you are advised that Annie, John, Lena, Rachael, Willie and Wynema Thornsberry are listed for enrollment on Creek Indian Card Field No. 4424, and that their names have not been forwarded to the Department for approval.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee D 2585
Creek 4424

Muskogee, Indian Territory, October 13, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of
John, Orkna, (or Orleans) Rachel and Willie Thornberry, Cherokee
D 2585, it appears that these applicants have also been listed for
enrollment on Creek Card, Field No. 4424.

It is requested that the Cherokee Enrollment Division
be advised as to the present status of these applicants' claim
to enrollment in the Creek Nation and if their names have been
placed upon the final roll, it is requested that their numbers
be given, together with the date of the Department's approval of
said roll.

Respectfully,

(SIGNED) *I. B. Needles.*
Commissioner in Charge.

COMMISSIONERS:
TAMM BERRY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDER.
WM. O. SHALL,
Secretary.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

H.C.H.

REFER TO REPLY TO THE FOLLOWING:

Cherokee D 2585
Creek 4526

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 14, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

The Commission is in receipt of your letter of October 13, asking for the present status of the applications of John, Orkena, (or Orleana) Rachel and Willie Thornsberry to enrollment in the Creek Nation. You also request their roll numbers, together with the date of the Department's approval of said roll.

Replying thereto you are advised that John, Lena, Rachael and Willie Thornsberry are listed for enrollment on Creek Indian Card Field No. 4526 and that their enrollment as citizens of the Creek Nation was approved by the Secretary of the Interior May 21, 1904, Nos. 9878 to 9881, inclusive.

Respectfully,

(Signed) T. B. Needles

Commissioner in Charge.

COPY.

Cherokee D-2588.

Muskogee, Indian Territory, February 24, 1905.

John Thornberry,

Ada, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself et al., as citizens of the Cherokee Nation, together with a copy of the Commission's decision, dated February 24, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. 1-64.

Register.

(SIGNED) *Tame Birby*
Chairman.

COPY:

Cherokee D-2885.

Muskogee, Indian Territory, February 24, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the application for the enrollment of John Thornsberry et al., as citizens of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 1-65.

(SIC)

Tame Bixby.
Chairman.

COPY.

Cherokee D-2566.

Muskogee, Indian Territory, February 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of John Thornsberry et al, including the Commission's decision, dated February 24, 1905, rejecting said application.

Respectfully,

(SIGNED).

Jane Bixby.

Commissioner in Charge.

Encl. L-66.

Through the
Commissioner of Indian Affairs.

Refer in reply
to the following:
Land.
17774-1908.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 11, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 24, 1908, transmitting the record of the application for enrollment as citizens of the Cherokee Nation by John, Lena (as Orkana), Rachel, and Willis Thornberry.

February 24, 1908, the Commission decided adversely to all the applicants.

The record shows that the applicants are included in a partial roll of Creek freedmen approved by the Department May 21, 1904, at Nos. 9878, 9879, 9880, and 9881, respectively.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.

LLE

I.T.D.2520-1905.

September 18, 1905.

LRS

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

February 24, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for enrollment as citizens of the Cherokee Nation of Jehn, Lena (as Orkana), Rachel, and Willie Thernsberry.

Reporting March 11, 1905, the Indian Office recommended that the Commission's decision adverse to the applicants, be approved. A Copy of it a letter is inclosed.

The Department concurs in said recommendation and the decision of the Commission is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

Cherokee D-2585.

COPY.

Muskogee, Indian Territory, September 25, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the application for the enrollment of John Thorneberry, et al., as citizens of the Cherokee Nation, was affirmed by the Department on September 18, 1905.

There is inclosed herewith, for your information, a copy of Departmental letter referred to.

Respectfully,

B.C.

Tame Dixby.
Commissioner.

LS

Incl. S-39

Cherokee D-2686.

COPY.

Maskogee, Indian Territory, September 26, 1905.

John Thornsberry,

Eufaula, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the application for the enrollment of yourself and others as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 18, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED:

Tame Bixby.
Commissioner.

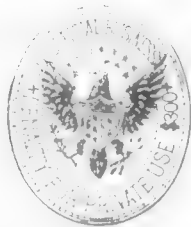
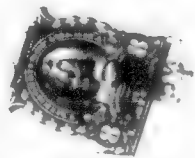
LS

Incl. S-38

Department of the Interior

Indian Reservation

MUSKOCHEE, IND. TER.



MATTER OF THE APPLICATION C

John Thornberry et al

Cher R 962

Cher R 962

Cherokee R-962.

Callahan, Mary A.

Callahan, Ruby

For original record in this case
see Cherokee No. 33.

R. 982

IN THE MATTER OF THE APPLICATION (

By A. Callahan, et al.

CIT

ATTEMPT

DENIED.

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 9 1935

Transferred from Cherokee No. 33.

Cher R 963

Cher R 963

Cherokee R-963.

Ford, Mollie W.

Ford, Mollie W., Jr.,

Ford, William H., Jr.,

Ford, John J.

For original record in this case
see Cherokee No. 173.

963

IN THE MATTER OF THE APPLICATION OF

Mollie W. Ford, et al.

CHEROKEE CITIZENS.

DENIED.

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 1900

Transferred from Cherokee 173.

Cher R 964

Cher R 964

Cherokee R-964.

Fargo, Isaac

For original record in this case
see Cherokee 1304.

R 961

IN MATTER OF THE APPLICATION OF

Isaac Fargo

SENS.

DEPT

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 7 1905

Transferred from Cherokee 1304.

Cher R 965

Cher R 965

Cherokee B-965..

Johnson, James M.

Johnson, Alexander

Johnson, Amanda

Johnson, Phillip

Johnson, Arkadelphia

Johnson, Viola

Johnson, Virgie L. W.M

For original record in this case

See Cherokee D-1199.

CHEROKEE

R-915

James M. Johnson, et al.

CHEROKEE

DENIED.

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUL 17 1905

965

Transferred from Cherokee P-1199.

Cher R 966

Cher R 966

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 28, 1900.

In the matter of the application of Olive Carpenter for enrollment as a citizen of the Cherokee Nation; said Carpenter being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name, please? A Olive Carpenter.
Q How old are you? A 20.
Q What is your post office? A Vinita.
Q In what district do you live? A Cooweescoowee.
Q Who is it you wish to have put on the roll? A Myself.
Q You apply as a Cherokee by blood? A Yes, sir.
Q What proportion of Cherokee blood do you claim? A One-sixteenth.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What is the name of your father? A My father's name was Alexander Maine.
Q Cherokee or white man? A White man.
Q Dead or alive? A Dead.
Q How long has he been dead? A About 20 years.
Q Your mother's name please? A Saphrona Maine, Scripture was her maiden name.
Q Your mother Cherokee? A Yes, sir.
Q Is she dead or alive? A She is dead.
Q How long has she been dead? A About eight years.
Q You are on the roll of 1880? A I do not know whether I am or not.
Q You been here all your life? A Yes, sir.
Q When were you married? A March 20, 1900.
Q Have you a certificate of marriage? A Yes, sir.

The applicant presents a duly authenticated certificate, issued by the Clerk of the United States Court, Northern District Indian Territory, authorizing the marriage between Richard W. Carpenter and Miss Ollie Maine. The date of the license 1 March 21, 1900. The certificate shows that they were married on the same date by the Reverend William T. King. This is filed herewith.

1880 enrollment; page 135, #1768, Phrona Vane, Cooweescoowee.
1896 enrollment; page 215, #3296, Olive Maine, Cooweescoowee.

- Q How long have you lived in the Cherokee Nation, all your life?
A Yes, sir.

Com'r Breckinridge:--The applicant is identified on the roll of 1896 as a native Cherokee. She is too young to be upon the roll of 1880, but her mother is identified on that roll. The applicant has lived in the Cherokee Nation all her life, and her change of name since her enrollment in 1896 is established by the marriage license and certificate filed herewith. She will be listed now for enrollment as a Cherokee by blood.

---ooo000ooo---

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 1st day of October, 1900.

[Signature]

Commissioner.

3670 a

DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 1 1900



ACTING CHAIRMAN

B

3670

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900



ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath

Date SEP 28 1900 1900.

District _____ Year _____ Page _____ No. _____

Citizen by blood **Mother's citizenship**

Intermarried citizen

Married under what law _____ Date of marriage _____

License **Certificate**

20 Olive Carpenter, Unita, 29,
Wife's name... COOWEESCOOWEE. 1906 942 360

District _____ Year 1896 Page 213 No. 3276

Citizen by blood Yes 1/4 Mother's citizenship My Name - w - d

Intermarried citizen *Yes* *Referring Name - C - d*

Married under what law _____ Date of marriage March 1899

License *Filed* SEP 28 1900 Certificate *Filed* SEP 28 1900

Names of Children:

Dist.	Year	Page	No.	Age
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	Dist.	Year	Page	No.	Age
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Dist.	Year	Page	No.	Age
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Dist. _____ Year _____ Page _____ No. _____ Age _____

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Dist. _____ Year _____ Page _____ No. _____ Age _____

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	Dist	Year	Page	No.	Age
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Dist.	Year	Page	No.	Age
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[illegible]

On 1846 Roll as Olive Maine
Marriage license & cert. attached.

#3670

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS

No. 1028.

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE--GREETING--
YOU ARE HEREBY COMMANDED to Solemnize the Rite and publish the
Banns of Matrimony between Mr. Richard M. Carpenter of Vinita,
in the Indian Territory, aged 22 years, and Miss Ollie Maine of
Vinita, in the Indian Territory, aged 18 years, according to law,
and to officially sign and return this License to the parties
therein named.

WITNESS my hand and official seal at Vinita, Indian
Territory, this 20th day of March, A. D. 1899.

(SEAL)

Jas A Winston

Clerk of the U. S. Court.

By J. C. Andersen Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS

I, W. T. King, a Minister of the Gospel, DO HEREBY
CERTIFY, that on the 20th day of March, A. D. 1899, I did duly and
according to law as commanded in the foregoing License, solemnize
the Rite and publish the Banns of Matrimony between the parties
therein named.

WITNESS my hand this 20th day of March, A. D. 1899.

My credentials are recorded in the office of the Clerk of
the United States Court, Indian Territory, Northern District, Book
B, Page 94.

William T. King

A Minister of the Gospel

Endorsed on back as follows:

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA
INDIAN TERRITORY SS.
NORTHERN DISTRICT

I, JAMES A. WINSTON, Clerk of the United States Court,
in the Northern District, Indian Territory, do hereby certify
that the instrument hereto attached was filed for record in my
office the 9 day of Oct 1899, at M, and duly recorded in
Book H Marriage Record, Page 405

WITNESS my hand and seal of said Court at Muscogee,
in said Territory this 1 day of Mar A. D. 1899.

Jas. A. Winston
Clerk

By Deputy

Carpenter & Maine 250
C 3670

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED SEP 28 1900 TAMS BIXBY
ACTING CHAIRMAN.
FILED OCT 9 1899
JAS A. WINSTON CLERK.

I, the undersigned, as stenographer to the Commission
to the Five Civilized Tribes do hereby certify that the above and
foregoing is a true and correct copy of the original.

Maggie O. Kennedy

700,000

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date

11/10/07

1900.

Name

Jesse D. Holland

District

Year

1880

Page

439

No.

840

Citizen by blood

yes

Mother's citizenship

Jas. Holland - d-w
Nancy - d-c

Intermarried citizen

no

Married under what law

Date of marriage

License

Certificate

Wife's name

Mizzie L. Holland

District

Year

Page

No.

Citizen by blood

no

Mother's citizenship

Intermarried citizen

yes

Married under what law

Date of marriage

Nov 25, 1885

License

Certificate

Names of Children:

Dora L. Hollands

Dist.

Year

Page

No.

Age

16

Sallie

"

Dist.

Year

Page

No.

Age

12

James Henry

Dist.

Year

Page

No.

Age

8

Harrison M. L.

Dist.

Year

Page

No.

Age

6

George R.

Dist.

Year

Page

No.

Age

2

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Not on 1880 roll as Jesse Harlow

Rep by Richard Holland, Bantamville, D.C.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Mary A. Goforth for enrollment as a citizen of the Cherokee Nation by blood. The said Mary A. Goforth, being duly sworn and examined by the commission, testified as follows:

- Q What is your name? A Mary.
Q Mary A. Goforth, isn't it? A Yes, sir.
Q How old are you, about how old are you? A Guess I'm about 48.
Q What's your postoffice address? A Gadsden.
Q What nation are you living in? A Choctaw.
Q Do you make application for enrollment as a Cherokee by blood?
A Yes, sir.
Q Do you apply for anyone besides yourself? A No, sir.
Q What's the name of your father? A Isaac Dick.
Q Is your father living? A No, sir.
Q What's the name of your mother? A Susan Dick.
Q Is she living? A No, sir, my parents died when I was small.
Q How through whom do you claim your right to enrollment as a Cherokee, through your father or through your mother? A Both part Cherokee; father was full-blood.
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a citizen? A No, sir.
Q Have you ever drawn any money? A Yes, sir, I have drawn considerable money.

1894 roll, page 342, No. 32, Mary Ataway, Delaware District.

- Q Is that the only time that you have ever been recognized by the tribal authorities of the Cherokee Nation as a citizen? A Yes, sir.
Q Where were you born? A Born on Grand River.
Q In the Cherokee Nation? A Yes, sir.
Q How long did you continue to reside there after your birth? A Why I don't know how old I was, about 7 or 8 years old, I guess, when I left the Cherokee Nation.
Q You went to the Choctaw Nation then? A Yes, sir.
Q Have you been residing there continuously since that time? A Yes, sir.

It appears from the records of the Choctaw Nation that the applicant is enrolled on the census roll of 1896 on page 380, No. 14260, and that opposite her name appears the word "Cherokee."

W. W. Hastings, Cherokee representative: You have never lived in the Cherokee Nation since the war? A No, sir.

- Q You weren't living there in 1864? A When I was enrolled for the money?
Q Yes. A No, sir.
Q You was living in the Choctaw Nation? A In the Choctaw Nation.
Q How far south did you go during the war? A I went to the mouth of the Blue on Red River.
Q Choctaw Nation? A Yes, sir.
Q You marry a Choctaw? A Yes, sir.
COMMISSIONER: What's the name of your present husband? A Solomon Goforth.
Q Is he living? A Yes, sir.
Q Is he a recognized citizen of the Choctaw or Chickasaw Nations?
A Chickasaw.

Census Roll of 1896, and roll of 1890 examined for the name of the applicant, and the same does not appear of record.

thereon.

Mary A. Goforth applies for the enrollment of herself as a citizen by blood of the Cherokee Nation. She is not identified upon any of the tribal rolls of the Cherokee Nation in the possession of this Commission with the exception of the strip payment roll of 1894. It appears from the evidence in this case that she has not been a resident of the Cherokee Nation since the Civil War. For the reason that she is not identified upon any of the rolls except the roll of 1894, final judgment as to her application will be suspended and her name will be placed on a doubtful card awaiting further consideration by the Commission.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 23rd day of May, 1902.

J. R. Ruster
Notary Public.

RECEIVED BY BUREAU OF INDIAN AFFAIRS

CHEROKEE BY BUREAU OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 17 1902


ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date 5/19/10 1900.

Name _____

District _____ Year _____ Page _____ No. ✓

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Mary A. G. Gorth, Laddo, D.D.

District Delaware Year 1894 Page 346 No. 67

Citizen by blood yes Mother's citizenship Isaac Dick - D - C

Intermarried citizen no Susan Dick - D - C

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children :

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

On roll as Mary Akaway

(COPY)

7-D-722.

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, I.T., March 10, 1903.

In the matter of the application of Mary A. Goforth
for enrollment as an intermarried citizen of the Choctaw Nation.

Mary A. Goforth being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary A. Goforth.
Q How old are you? A I don't know exactly; I am past 48,
somewhere along there.
Q What is your postoffice address? A Caddo.
Q Is that in the Choctaw Nation? A Yes, sir.
Q How long have you lived in the Choctaw Nation? A Ever since
I was about seven or eight years old I reckon.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim the right to enrollment as an intermarried citizen
of the Choctaw Nation? A Yes, sir.
Q What is the name of your Choctaw husband through whom you claim
this right? A Joe Homer.
Q Was he a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Were his rights as such ever disputed? A No, sir.
Q When were you married to Joe Homer? A I don't know exactly
but it was about—I forget the name name that married us—
Fulson his name was.
Q Do you remember how long ago that was? A That has been about
26 or 29 years ago, or longer; I don't remember exactly what time.
Q Where did this marriage ceremony take place? A At Fulson's
home.
Q In the Choctaw nation? A Yes, sir.
Q At this time were both you and your husband living in the
Choctaw Nation? A Yes, sir.
Q Were you married by a Judge of the Choctaw Nation? A Yes sir.
Q Judge Fulson? A Yes, sir.
Q Have you got any evidence of your marriage? A No sir.
Q What became of your marriage certificate? A We didn't get any;
it was just recorded.
Q Did you ever attempt to get a record of your marriage from the
authorities of the nation? A Yes, sir, I think so, but I
never did get any.
Q Were you ever married before your marriage to Joe Homer?
A No sir.
Q Was he ever married before his marriage to you? A No, sir.
Q After your marriage how long did you live together continu-
ously as husband and wife? A About 26 years I guess.
Q What happened at the end of that time; did you separate or did
he die? A He got killed.
Q Was there no separation during his life? A No sir.
Q Since his death have you remarried? A Yes, sir.
Q What was the name of your second husband? A Walter Attaway.
Q A white man? A Yes sir.

Mary A. Goforth--2

Q He makes no claim to enrollment as a citizen of any Indian tribe?
A I think he tried.

Q Was he ever enrolled? A No sir, I don't think he was; he took the oath of allegiance I think.

Q When were you married to him? A I was married to him; I lived with him about ten or twelve years; we have been parted about four years I think-- five years I guess.

Q You lived with him about ten years, and you have been separated for about five years? A Yes, sir.

Q Then it has been about fifteen years since you married Attaway?

A No, I said I lived with him about ten or twelve years, didn't I?

Q That's what you said, and you said you had been separated from him about five years, and that would make about fifteen years since you married him, is that correct? A Yes, sir, I guess so.

Q You said you lived with Joe Homer about twenty-five years?

A Yes, sir,-- well, I never kept no dates or account and I don't know how long I lived with him.

Q When did you separate from Attaway? A I think it has been four years ago,-- well a little over four years.

Q Were you divorced? A Yes, sir.

Q Where did you obtain this divorce? A McAlester I think.

Q In the United States or tribal court? A United States.

Q Have you any evidence of that divorce? A No.

Q After your divorce from Attaway did you remarry? A Yes, sir, I was married to Mr. Goforth.

Q What is his full name? A Solomon Goforth.

Q When were you married to him? A In 1890, the 12th day of July.

Q Does he claim to be possessed of any Indian blood? A Chickasaw.

Q Where were you married to him? A In the Choctaw Nation.

Q Does he live in the Choctaw Nation? A Yes sir.

Q Did he live there at the time of your marriage? A Yes, sir.

Q Who performed the marriage ceremony? A Charley Hodekin.

A A minister of the gospel? A Yes, sir.

Q Are you still living with him as his wife? A Yes, sir.

Q Do you make any claim to enrollment through this last husband of yours? A As a Chickasaw?

Q Yes? A Yes, sir, I guess so.

Q You stated that you claimed through your first husband, Joe Homer? A Yes, sir, I claimed through him, but I don't know but what I would get a right from him too.

Q From your last husband also? A Yes, sir, I didn't know.

Q Have you got any Indian blood? A Yes, sir.

Q What Nation? A Cherokee.

Q Have you ever been recognized or enrolled by the Cherokee tribal authorities as a member of that tribe? A No, my brother got me on the roll and I drew with them this last draw they had.

Q You have drawn money in the Cherokee Nation have you? A Yes, sir, just one time; my brother got me on the roll and wrote to me to come and draw money, and of course I went.

The act of Congress approved June 28, 1898, in a portion of section 21 provides as follows:

Mary A. Goforth-----5

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

- Q Do you understand that provision of law? A Yes, sir, a little of it, not all of it.
- Q In the event that it is finally decided by the Commission that you have a right to enrollment in two tribes with which tribe do you now elect to be finally enrolled and take your allotment of lands and distribution of moneys? A In the Choctaw; I am getting my right by my first husband.
- Q Provided you are finally enrolled with the Choctaw tribe and given your allotment of lands and distribution of moneys with that tribe do you relinquish all your right, title and interest in and to the lands, property, and moneys of the Cherokee Nation? A Yes, sir.

If you wish to procure your right through your last husband, Solomon Goforth, it will be necessary that you furnish the Commission with some evidence of your divorce from your former husband, Walter Attaway, and also some evidence of your marriage to Solomon Goforth.

- By applicants: I sent my marriage to the Dawes.
- By the Commission:
- Q Have you ever sent any evidence of your divorce from Walter Attaway? A No, sir, I don't know that I did; I didn't know that I had to.
- Q We have not got any evidence of your marriage to Joe Homer, either? A I guess it is in the Choctaw court.

- By Choctaw Commissioner E. E. Lewis:
- Q Who did you say married you? A I think it was George Pulson.

By the Commission: It will be necessary for you to get some evidence of your marriage to this man Homer; you will have to prove your marriage to your Indian husband through whom you claim your right.

Mary A. Goforth-----4-

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Atoka, Indian Territory, on the 10th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same

(Signed) W. H. Martin.

Subscribed and sworn to before me this 30 day of March, 1903.

(Signed) Charles H. Sawyer
Notary Public.

(S E A L)

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true, and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this
3rd day of November, 1904.

Charles H. Sawyer
Notary Public.

Cherokee D-1306. *atms*
Red

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mary A. Goforth as a citizen by blood of the Cherokee Nation.

D E C I S I O N .

The record herein shows that on May 12, 1903, Mary A. Goforth appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation, and that on March 10, 1903, the said Mary A. Goforth appeared before the Commission at Atoka, Indian Territory, and made application for the enrollment of herself as an intermarried citizen of the Choctaw Nation.

The evidence herein shows that on her appearance before the Commission at Atoka, Indian Territory, on March 10, 1903, the said applicant, Mary A. Goforth, elected to be enrolled as an intermarried citizen of the Choctaw Nation, that she is included in a partial roll of citizens by intermarriage of said Nation, approved by the Secretary of the Interior March 14, 1903, opposite number 1031, and has selected and filed upon her allotment of lands in said Choctaw Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Mary A. Goforth as a citizen by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 25, 1896 (29 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman


Commissioner


Commissioner

Muskogee, Indian Territory,

MAY 2 1905

COPY

Cherokee D-1306.

Muskogee, Indian Territory, November 9, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the testimony taken at Atoka, Indian Territory, on March 10, 1903, in the matter of the application for the enrollment of Mary A. Goforth as a citizen by intermarriage of the Choctaw Nation, to be filed with Cherokee D-1306, Mary Goforth.

Respectfully,

Incl. B-36.

Tame Dixby.
Chairman.

COPY.

Cherokee D 1306
Choctaw I.W.--
8899.

Muskogee, Indian Territory, April 4, 1906.

Commission to the Five Civilized Tribes,
Choctaw-Okfuskee Division.

Gentlemen:

The records of the Cherokee Enrollment Division show that one Mary A. Goforth, has made application for enrollment as a citizen by blood of the Cherokee Nation. The records of the Cherokee Division further show that the said Mary A. Goforth has made application to be enrolled as a citizen by intermarriage of the Choctaw Nation.

It is respectfully requested that the Cherokee Enrollment Division be advised as to whether or not the said Mary A. Goforth has been placed upon the final roll of the Choctaw Nation, and if so, that her roll number be given, together with the date of its approval by the Secretary of the Interior. Also, whether or not the said Mary A. Goforth has selected her allotment of lands in said Choctaw Nation, and if such selection has been made, was it voluntarily or arbitrarily done.

Respectfully,

(SIGNED) *F. B. Needles.*

Commissioner in Charge.

(C O P Y)

7-5899

Muskogee, Indian Territory, April 6, 1905

Commission to the five Civilized Tribes,

Cherokee Enrollment Division

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 4, 1905, in which you ask that the Cherokee Enrollment Division be advised if the name of Mary A. Goforth has been placed upon the final rolls of the Choctaw Nation, and if so her roll number and the date of her approval by the secretary of the Interior: Also whether or not the said Mary A. Goforth has selected her allotment of land in the Choctaw Nation and if such selection was voluntary or arbitrary.

In reply to your letter you are advised that on March 10, 1903, Mary A. Goforth appeared before the commission in person at Atoke, Indian Territory, and elected to be enrolled as an intermarried citizen of the Choctaw Nation, her name now appears upon the approved roll of intermarried citizens of said nation opposite No. 1381 and her enrollment as such was approved by the Secretary of the Interior March 14, 1905.

C to the U S T #2

Voluntary selection of allotment in the Choctaw-Chickasaw country has also been made by her.

Respectfully,

(Signed) T. S. Needles,
Commissioner in Charge

COPY.

Cherokee D-1406.

Muskogee, Indian Territory, May 2, 1905.

Mary A. Goforth,

Cadde, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision dated May 2, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). *Tams Bixby.*
Chairman.

Incl. 9-20
Register

COPY.

Cherokee D-1308.

Muskogee, Indian Territory, May 2, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for the enrollment of Mary A. Goforth as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: *Tams Dixby.*
Chairman.

Incl. S-21

COPY.

Cherokee D-1308.

Washkatee, Indian Territory, May 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Mary A. Goforth as a citizen by blood of the Cherokee Nation, including the Commission's decision dated May 2, 1906, rejecting said application.

Respectfully,

(SIGNED). *Tame Dixby.*
Chairman.

Incl. 3-22

Through the

Commissioner of Indian Affairs.

Refer in reply to the following:

Land.
34868-1906.

DEPARTMENT OF THE INTERIOR
Office of Indian Affairs,
Washington. May 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 2, 1906, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation of Mary A. Goforth.

May 2, 1906, the Commission decided adversely to the applicant.

The record shows that on March 10, 1905, the applicant elected to be enrolled as an intermarried citizen of the Choctaw Nation and she is included in a partial roll of citizens by intermarriage of said Nation approved by the Department March 14, 1905, and has selected and filed upon her allotment of lands in the Choctaw Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
V.

J.P.

DEPARTMENT OF THE INTERIOR,
Washington.

LLB

I.T.D.5460-1905.

August 10, 1905.

L R 8

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 2, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Mary A. Goforth for her enrollment as a citizen by blood of the Cherokee Nation, including its decision of the same date, rejecting said application.

Reporting May 12, 1905, the Indian Office recommended that the Commission's decision adverse to the applicant be affirmed. A copy of its letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated May 2, 1905, rejecting said application is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,
Acting Secretary.

1 inclosure.

Cherokee D-1308.

Muskogee, Indian Territory, August 18, 1906.

Mary A. Goforth,

Caddo, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1906, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 10, 1906.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner

Incl. 8-62

Cherokee D-1306.

Muskogee, Indian Territory, August 18, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for the enrollment of Mary A. Goforth as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 10, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Acting Commissioner

Incl. S-63

CHEROKEE

R 966

Mary A. Goforth.

Al
L
DENIED. R 966

Le

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 10 1905

Transferred from
Chas. No D. 1808.

Cher R 967

Cher R 967

N
Chas. P. 1406.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Q Are there any other persons for whom you desire to make appli-
cation for enrollment?

A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

William Fisher, on 1880 Roll, page 18, #473, Canadian District.
Note: "Oriskany Card #1591: also on 1894 Roll, page 32, #724, Canadian
District.

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this 15 day of July, 1902.

E. C. Bagwell
[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T. AUGUST 25, 1904.

In the matter of the application for the enrollment of Willie Fisher as a Creek citizen by blood.

APPEARANCE: M. L. Mott, attorney for Creek Nation.

Willie Fisher being duly sworn, testified as follows,
through Alex Posey, official interpreter:

Examination by the Commission:

- Q What is your name? A Willie Fisher.
Q How old are you? A About 35.
Q What is your post office address? A Spokogee.
Q Do you make application to be enrolled as a citizen by blood of the Creek Nation? A Yes sir.
Q How much Creek blood have you? A I have white blood, Cherokee blood and Creek blood; but more Creek blood than the other.
Q How much do you claim to be half Creek? A Fully half Creek.
Q To what town in the Creek Nation do you belong? A Hickory Ground.
Q How long have you lived in the Creek Nation? A Born and raised here.
Q Lived here all your life? A Yes sir,

The 1890 authenticated tribal roll of the Creek Nation examined and the applicant identified thereon at page 126, Hickory Ground town.

- Q Are you married? A Yes sir.
Q Have your wife and children been enrolled? A Yes sir.
Q Got their land? A Yes sir.
Q What is the name of your wife? A Lucy Fisher. And my child, Billy is there too.
Q Did you ever live in the Cherokee Nation? A Yes sir, a while but I have lived most of my life in the Creek Nation.
Q Didn't you live in the Creek Nation when the \$14 payment was made to the Creeks? A I was in the Creek Nation.
Q Have you ever been enrolled by the Commission as a citizen of the Cherokee Nation? A No sir.
Q You have never applied to the Commission to be enrolled as a citizen of the Cherokee Nation? A No sir.

It appears from pencil notation on the card in the case of Lucy Fisher, wife of the applicant, that he was residing in the Cherokee Nation at the time of the '95 payment. The 1895 pay roll of the Creek Nation examined and the applicant not identified on that roll; the 1895 Doubtful roll of the Creek Nation examined and the applicant not identified on that roll.

- Q Did you ever draw any money from the Cherokee Nation? A Yes sir.
Q When? A I can not say exactly when I drew the money but its been quite a while.

- Q Did you draw the \$264? A Yes sir and 70¢.
Q If it should be found that you have the right to enrollment in either the Creek or Cherokee Nation, in which nation do you elect to be enrolled? A I have lived all my life in the Creek Nation and consider myself a Creek citizen, and want to be enrolled in the Creek Nation.
-

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

(Signed) Henry G. Hains.

Subscribed and sworn to before me this 29 day of September, 1904.

(Signed) Wm. T. Martin, Jr.
Notary Public.

SEAL.

Louise Smith, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above copy and that same is a true and complete copy of the original.

Louise Smith

Subscribed and sworn to before me this 30 day of March, 1905.

W. T. Martin, Jr.
Notary Public.

Cherokee D-1406.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application for the enrollment of
William Fisher, as a citizen by blood of the Cherokee Nation.

---: D E C I S I O N :---

It appears from the record herein that on June 30, 1902, Emmet Starr appeared before this Commission, at Muskogee, Indian Territory, and made application for the enrollment of William Fisher, as a citizen by blood of the Cherokee Nation.

It further appears from the record herein that the applicant is possessed of both Cherokee and Creek Indian blood and is identified upon the 1880 Authenticated Cherokee Roll, the 1894 Cherokee Strip Payment Roll, and also upon the 1890 Authenticated Creek Roll, as a citizen by blood of said nations.

It further appears from the record herein that on August 25, 1904, the applicant appeared before this Commission at Muskogee, Indian Territory, and made personal application for the enrollment of himself (as Willie Fisher) as a citizen by blood of the Creek Nation, and on the same date, under the provisions of a portion of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), elected to be enrolled by this Commission as a citizen by blood of the Creek Nation, and to take his allotment of lands and distribution of moneys, as a citizen by blood of said nation. Thereafter, on January 5, 1905, the Commission granted the application of the applicant, for enrollment as a citizen by blood of the Creek Nation.

It is therefore the opinion of this Commission that the application made for the enrollment of William Fisher, as a citizen by blood of the Cherokee Nation, should be denied, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAY 30 1905

COMMISSIONERS
HENRY L. DAVIS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. DRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

347
Cher. D-1406.

Muskogee, Indian Territory, November 14, 1902.

Mr. William Fisher,
Eufaula, Indian Territory.

Dear Sir:

You are hereby advised that you have been listed for enrollment by this Commission, from information, as a citizen of the Cherokee Nation.

Should you desire to offer any evidence in support of the application for your enrollment as a citizen of the Cherokee Nation, you will be given fifteen days from date hereof in which to appear before the Commission, at its general offices in Muskogee, Indian Territory.

Respectfully,

Acting Chairman.

Cher. D-1406.

Tablequah, Indian Territory, October 26, 1903.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:-

Will you please inform the Cherokee Land Office whether one William Fisher, about 31 years old, has made application to be enrolled as a citizen of the Creek Nation. He has been listed for enrollment on Cherokee doubtful card #1406 from Canadian District, Cherokee Nation, his name appearing on the roll of 1880 and on the Cherokee strip payment roll of 1894.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

JOC.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

94/1

REFER IN REPLY TO THE FOLLOWING

D1406

Muskogee, Indian Territory, October 27, 1903.

Commissioner In Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of October 26, in which you request to be informed whether one, William Fisher, about thirty-one years old, has made application to be enrolled as a citizen of the Creek Nation. It is stated that he has been listed for enrollment on Cherokee Doubtful Card #1406, and that his name appears on the Roll of 1880 and on the Cherokee Strip Payment Roll of 1894.

In reply you are advised that one, Willie Fisher is identified upon the 1890 Authenticated tribal roll of the Creek Nation, Hickory Ground Town. No application appears to have been made for his enrollment as a citizen of the Creek Nation. No person answering the description of the William Fisher named in your letter appears to have made application for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner in charge.

2177.

51.06

61 29 REC.

88.13

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE.

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NEVER IN REPLY TO THE FOLLOWING:

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 1, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

There is inclosed a copy of the testimony in the matter of the application for the enrollment of Willie Fisher as a citizen by blood of the Creek Nation. It appears from the testimony that the applicant's name is on the Tribal Rolls of the Cherokee Nation.

You are directed to advise the Creek Enrollment Division whether application has been made for the enrollment of this person as a citizen of the Cherokee Nation and whether his name appears on the Cherokee Tribal Rolls.

Respectfully,

Chairman.

DCS. 1-1/10.

COPY.

Cherokee D 1406.

Muskogee, Indian Territory, October 4, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division.

Gentlemen:

The Cherokee Enrollment Division is in receipt of the Commission's letter of October 1, 1904, wherein it is desired that the Creek Enrollment Division be furnished with information as to whether or not the name of Willie Fisher appears upon the Cherokee tribal rolls and as to whether or not application has been made for his enrollment as a citizen of the Cherokee Nation.

In reply you are advised that the name of William Fisher appears upon Cherokee Enrollment card, Field No. D 1406. You are further advised that the name of William Fisher appeared upon the 1880 authenticated Cherokee tribal roll, Canadian District No. 475, his age at that time being given as nine years. His name also appears upon the 1894 payroll of the Cherokee Nation, Canadian District No. 724.

Respectfully,

(SIGNED). *Tams Dixby.*
Chairman.

88/3

COMMISSIONERS:

TAMM BERRY,
THOMAS B. NEEDLES,
C. B. BRACKENRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO REPLY TO THE FOLLOWING:

717

ADDRESS ONLY TO:
COMMISSION TO THE FIVE CIVILIZED TRIBES

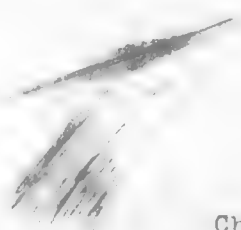
Muskogee, Indian Territory, November 18, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

Referring to Cherokee D. 1406 and your letter of October 4, 1904, relative to Willie Fisher, you are requested to advise the Creek Enrollment Division of the present status of the application for the enrollment of William Fisher as a citizen, of the Cherokee Nation.

Respectfully,



Chairman.

COPY.

Cherokee D-1400.

Muskogee, Indian Territory, November 21, 1904.

Commission to the Five Civilized Tribes,

Creek Enrollment Division.

Gentlemen:

Referring to 717 and your letter of November 18, relative to Willie Fisher, you are advised that the Commission has not yet rendered a decision in the matter of the application for the enrollment of William Fisher as a citizen of the Cherokee Nation.

Respectfully,

CHEROKEE *Tams Dixie*
Chairman.

COPY.

Cherokee D-1406.

Muskogee, Indian Territory, March 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of William Fisher as a citizen by blood of the Cherokee Nation, including the Commission's decision dated March 30, 1905, rejecting said application.

Respectfully,

(SIGNED)

Tams Dixby.

Chairman.

Incl. 8-12.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-1406.

Muskogee, Indian Territory, March 30, 1906.

William Fisher,

Spokogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision dated March 30, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED *Tame Dixby.*
Chairman.

Incl. 9-11.
Register.

COPY.

Cherokee D-1406.

Muskogee, Indian Territory, March 30, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 30, 1906, rejecting the application for the enrollment of William Fisher as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED, *Jams Dixby.*
Chairman.

Incl. 8-10.

Refer in reply to the following:

Land.
24908-1905.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, April 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 30, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation by William Fisher.

March 30, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is possessed of both Cherokee and Creek blood; that on August 25, 1904, he elected to be enrolled as a citizen by blood of the Creek Nation and that on January 5, 1905, the Commission granted his application for enrollment as a Creek citizen by blood.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

H.M.M.
V.

J.P.

DEPARTMENT OF THE INTERIOR,
Washington.

LLB

I.T.D.3026-1905.

L R S

August 10, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 30, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of William Fisher for his enrollment as a citizen by blood of the Cherokee Nation, including its decision of the same date, rejecting said application.

Reporting April 8, 1905, the Indian Office recommended that the Commission's decision adverse to the applicant be affirmed. A copy of its letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated March 30, 1905, rejecting said application is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee D-1406.

COPY.

Muskogee, Indian Territory, August 18, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 30, 1905, rejecting the application for the enrollment of William Fisher as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 10, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED).

Wm. O. Beale
Acting Commissioner.

LS

Incl. 8-61

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1406.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 18, 1905.

William Fisher,

Dustin, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 30, 1905, rejecting your application for enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 10, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

W. O. Beall

Acting Commissioner.

LS

Incl. 3-60

101416

UNCLAIMED

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

William Fisher,

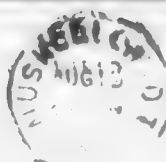
Eufaula,

Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Cher Dixon



CHEROKEE

R 967

Department of the Interior.
William Fisher.

~~R 967~~
DENIED

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 10 1905

*Transferred from
Case No. D-1406*

Cher R 968

Cher R 968

R
Cher D 1946

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLITT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMETT STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A A Thirty-one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir,
I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and descendants:

Frank Journey, page 554, # 951, Illinois District;

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes.

(Signed) E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

(Signed) P. G. Renter

Notary Public.

Mabelle Cohenour, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, she made the foregoing copy,
and the same is a correct copy of the original transcript

Subscribed and sworn to before me this 28th day of June, 1906.

Mabelle Cohenour
Chas E. H. Linn
Notary Public.

R.
Cher. D-1945.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
enrollment of FRANK JOURNEY as a citizen by blood of the Cherokee
Nation.

Appearances:

W. W. Hastings, Attorney for Cherokee Nation.

RICHARD M. WALKER, being first duly sworn, and being examined,
testified as follows.

BY COMMISSION:

Q What is your name? A Richard M. Walker.

Q What is your age? A Forty-eight.

Q What is your post office address? A Fort Gibson.

Q Are you a recognized citizen by blood of the Cherokee Nation?

A Yes sir.

Q Do you know Frank Journey? A Yes sir.

Q He is now about forty-one years of age? A Something like that,
yes sir, I don't know exactly.

Q Do you know his present post office address? A In Washington
Territory, my folks often get letters from him.

Q Is he a Cherokee by blood? A Yes sir, he is a first cousin of
my wife's.

Q What degree of Cherokee blood do you think he has? A I suppose
he must be about one-eighth.

Q What is the name of his father? A I don't know the name of his
father.

Q Do you know whether his father is living or not? A I think not.
His father was a white man.

Q What is the name of the mother of Frank Journey? A Her name was
Minerva Raymond, she was the wife of that Raymond living in Vinita.

Q Is she living? A No, she is dead.

Q Was she a Cherokee by blood? A Yes sir.

Q In what district in the Cherokee Nation did she reside? I
think they lived in Tahlequah District. Frank Journey is a half
brother of Andrew Hicks, a citizen of the Cherokee Nation. His
post office is Alluwe, also half brother to Mrs. Strange, at Chelsea.

Q How long has Frank Journey been in Washington? A He has been
out there a number of years, I don't know just exactly. He left here
several years ago, could not tell you just exactly.

Q Something like ten or fifteen years ago? A I expect so, yes,
he has been there that long.

Q Has he returned to the Cherokee Nation at any time since that?

A No sir, he wrote to my wife to get him on the roll.

Q Was he residing in the State of Washington on the 28th day of
June, 1898? A I think so. He was out there. We didn't hear from
him for a good many years. He finally wrote to my wife, and we re-
ceived several letters from him since that time.

MR. HASTINGS: Has he married out there? A I think not.

Q You have not seen him here in the Territory for the last ten or
fifteen years? A No sir.

Q You have not known of his being here? A No sir, I think Bill
Pettit drew his Strip money for him.

Q Did he draw Strip money in 1894? A Yes sir, I think William
Pettit drew it for him.

Q At that time he was residing in the State of Washington?
A I suppose he was. We didn't hear from him for a good many years.
Q If he had been in the Cherokee Nation you would likely have known it? A He has not been here for a number of years.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 544, #951, Frank Journey, Illinois District, age 19.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Wm. Hutchinson.

Subscribed and sworn to before me this 23rd day of August, 1902.

(Signed) John O. Rosson.

Notary Public.

Nabelle Cohenour, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy, and that the same is a true and correct copy of the original transcript.

Nabelle Cohenour

Subscribed and sworn to before me this 26th day of June, 1905.

Chas E. Nelson

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT FIELD PARTY.
FT. GIBSON, I. T., APRIL 22, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of FRANK JOURNEY as a citizen by blood of the Cherokee Nation.

RICHARD M. WALKER, being first duly sworn, testified as follows:

BY THE COMMISSIONER:

- Q What is your name? A Richard M. Walker.
- Q What is your age? A 51.
- Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
- Q Were you once acquainted with a man in the Cherokee Nation by the name of Frank Journey? A Yes sir.
- Q What was the name of his father? A I don't know his name.
- Q What was the name of his mother? A She was, I can't call her a name, I knew her but I don't know her whole name.
- Q Was Frank Journey a citizen by blood of the Cherokee Nation? A Yes sir.
- Q In what District was he living in 1880? A I want be positive but I think he was living in Illinois District, he left the Cherokee Nation from here.
- Q Would he be enrolled in that District on the 1880 Roll? A He would.
- Q How long has it been since you saw Frank Journey? A It has been possible 15 years.
- Q Where is Frank Journey living at the present time? A I saw a letter from him sometime ago and he was living in Washington Territory.
- Q How long has it been since he left the Indian Territory? A It has been between 10 and 15 years.
- Q How long has it been since you first became acquainted with him? A I knew him when he was a small boy.
- Q Did you know him from his boyhood to manhood? A Yes sir.
- Q From the time of your first acquaintance with him up until about 15 years ago did you know him continuously? A Yes sir.
- Q Did he leave the Cherokee Nation about 15 years ago? A I think between 10 and 15 years.
- Q Has he ever returned? A No sir.
- Q Do you know what what intent he left the Cherokee Nation? A I don't know, he went out there to work for some fellow; there were some men going out there and he went with him.
- Q Was he a family? A I don't know, he hasn't any family in this country.
- Q Was he any people living here? A Yes sir.
- Q Who? A He has a sister, Mrs. William Strange at Chelsea, William Ward is a half brother at Alluwee, and he has a sister, Rachel M. Murrell, that lives up on this Iron Mountain railroad somewhere.
- Q Has father and mother both dead? A Yes sir.
- Q Do you know whether or not he has married in his new home? A No sir, I don't.
- Q Since Frank Journey left the Cherokee Nation 10 or 15 years ago has he owned any property in the Cherokee Nation? A Not as I know of, not to my knowledge, his uncle drew his per capita money.
- Q Was that in 1894? A I think so, yes.
- Q He wasn't here when the 1896 Census Roll was made? A No sir.

- Q To the best of your information he has not been in the Cherokee Nation or Indian Territory for 10 or 15 years? A No sir, he has not.
- Q Do you know whether or not he expects to return and make a home here? A I think that my former wife undertook to file for him, she attempted to file for him; she was in correspondence with him, he was a first cousin of Jennie's; he authorized her to file for him; I don't know what success she had or anything about it; he expected to return but has not up to date.
- Q Do you know whether he has claimed citizenship in Washington? A No sir, I don't.
- Q What did he say in the letter you saw? A He spoke of coming back when he could get in a shape to get back.
- Q About how old is Frank Journey at present? A I would suppose that he was in the neighborhood of 44 or 45 years of age.

The applicant is identified on the 1880 Cherokee Tribal Roll, Illinois District, No. 951, and is listed for enrollment from information on Cherokee D-1945.

-----oOo-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 9th day of May, 1905.

Myron White
Notary Public.

FILED
MAY 10 1905
COMMISSION TO FIVE TRIBES.

Cherokee D 1946

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Frank Journey as a citizen by blood of the Cherokee Nation.

--:--

D E C I S I O N.

IT APPEARS FROM THE RECORD HEREIN: That, on June 30, 1902, Edmet Starr appeared before this Commission at Muskegee, Indian Territory, and made application for the enrollment of Frank Journey (forty-one years of age), as a citizen by blood of the Cherokee Nation. Additional proceedings were had in the matter of said application at Tahlequah, Indian Territory, on August 14, 1902, and at Fort Gibson, Indian Territory, on April 22, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That Frank Journey, who is identified upon the 1880 authenticated Cherokee roll, is a Cherokee by blood, and was reared in the Cherokee Nation, that between the years 1887 and 1892, he removed from the Cherokee Nation to the state of Washington, where he has since resided. It further appears that said applicant is not possessed of any property located in the Cherokee Nation.

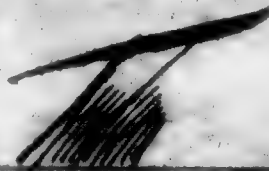
In view of the above facts it is considered that said applicant has forfeited his right to citizenship in the Cherokee Nation, under the provisions of section II, article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

Although ample opportunity has been afforded said applicant to show by satisfactory evidence his right to enrollment as a citizen of the Cherokee Nation, he has failed to do so.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That, following the rulings of the Department in the cases of Eliza Bryant, et al., (I.T.D. 344-04), William Rector, (I.T.D. 1468-04), Minnie Duncan et al., (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Ed Williams, (I.T.D. 4250-04), and Moses Ross (I.T.D. 6056-04), the application for the enrollment of Frank Journey as a citizen by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 23, 1898 (30 Stat., 495), and it is so ordered.

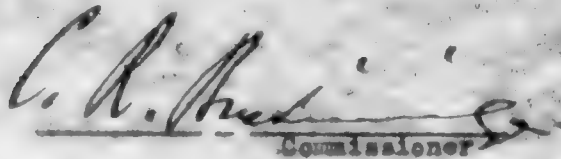
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman



Commissioner



Commissioner

Dated at Muskogee, Indian Territory,
this JUN 28 1905

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKENRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

2660

REFER IN REPLY TO THE FOLLOWING:
Cherokee 8-1246

W. M. O'NEILL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 28, 1905.

Frank Journey,

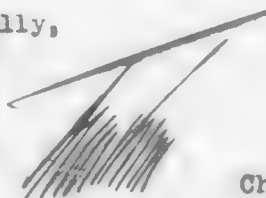
Granite Falls, Washington.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision dated June 28, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

Incl. 8-32
Register

Refer in reply to the following:

Land,
50390-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

July 14, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation of Frank Journey.

June 28, 1905, the Commission decided adversely to the applicant.

The record shows that Journey, who is identified upon the 1880 authenticated Cherokee roll, is a Cherokee by blood and was reared in the Cherokee Nation; that between the years 1887 and 1892 he removed from the Cherokee Nation to the State of Washington where he has since resided, and that he is possessed of no property in the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

, Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M. M. M.
V.

W. C. F.

FHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 8274-1905.

Y. P.

August 1, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 26, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Frank Journey as a citizen by blood of the Cherokee Nation, including its decision of the same date, rejecting said application.

Reporting July 14, 1905, the Indian Office recommends that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and said decision is hereby affirmed.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

Cherokee
D-1943.

Muskogee, Indian Territory, August 11, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

For your information there is inclosed herewith a copy of Departmental letter of August 1, 1905, affirming the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the application for the enrollment of Frank Journey as a citizen by blood of the Cherokee Nation.

Respectfully,

Incl. L-202.

Acting Commissioner.

CHL

Cherokee
D-1946.

Muskogee, Indian Territory, August 11, 1905.

Frank Journey,

Granite Falls, Washington.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 1, 1905.

Respectfully,

CHL

Acting Commissioner.

COPY

Cherokee D-1945.

Muskogee, Indian Territory, June 28, 1905.

Frank Journey,
Granite Falls, Washington.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision dated June 28, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-32
Register

(SIGNED)

James Ditty
Chairman.

Cherokee D-1945.

Muskogee, Indian Territory, June 28, 1906.

V. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1906, rejecting the application for the enrollment of Frank Journey as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tamie Dixby.

Chairman.

SIGNED.

Incl. S-33

COPY.

Cherokee D-1945.

Muskogee, Indian Territory, June 26, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Frank Journey as a citizen by blood of the Cherokee Nation, including the Commission's decision dated June 26, 1905, rejecting said application.

Respectfully,

(SIGNED).

Tame Pixby

Chairman.

Incl. S-34

Through the

Commissioner of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D-1945.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JH*

Muskogee, Indian Territory, August 11, 1905.

Frank Journey,

Granite Falls, Washington.

Dear Sir:

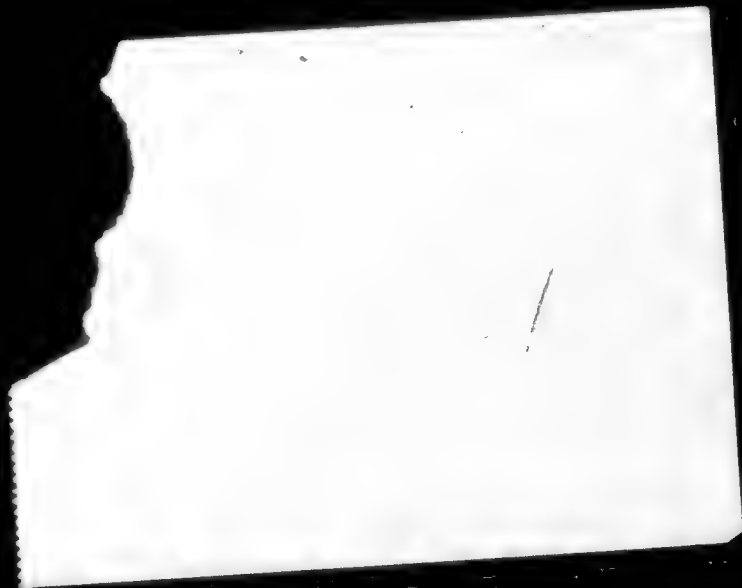
You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 1, 1905.

Respectfully,

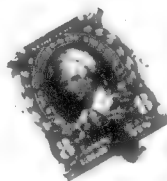
W. C. Davis

Acting Commissioner.

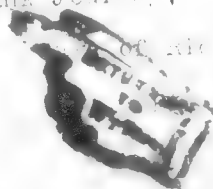
GHL



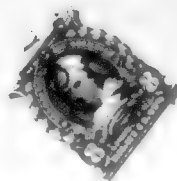
Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOCÉE, IND. TER.



Frank Johnson



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOCÉE, IND. TER.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOCÉE, IND. TER.

Carroll

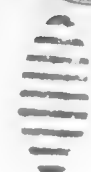
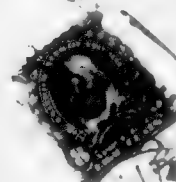


Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOCÉE, IND. TER.

19



CHEROKEE

R 968

FRANK JOURNEY.

DENIED.

R 968

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 1 1905

*Transferred from Cherokee
No. 1. 1945*

Cher R 969

Cher R 969

R
Cher B-2154

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission,
testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Robert L. Farge, page 124, 125, Sequoyah district, Hotel
"See Cherokee testimony" also on 1896 roll, page 424, 425,
Sequoyah district, as Robert Farge.
Hotel "He claims to be enrolled as Cherokee, 1896 1897."

Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1896
Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this 4 day of August

[Signature]
Notary Public.

W.F. (COPY)
D.C.L.

Copy

7-2931.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Robert L. Fargo as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card record in this case that on June 20, 1899 Robert L. Fargo appeared before the Commission and made personal application for enrollment as a citizen by blood of the Choctaw Nation. Further proceedings were had in this case on June 25, 1900 and on November 7, 1904.

It further appears from the census card record in this case and the record herein that the applicant is a son of Charles A. Fargo, a recognized citizen by blood of the Cherokee Nation, and Narcissa Fargo, deceased, a recognized citizen by blood of the Choctaw Nation.

It appears from the records of the Commission that on September 7, 1896 in the case entitled "Ann Agent, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, case number 489) original application was made to the Commission, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for the admission of the applicant Robert L. Fargo as a citizen by blood of the Choctaw Nation and on December 2, 1896 the said Robert L. Fargo was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by blood from which decision of the Commission no appeal was taken.

Upon an examination of the tribal rolls in the possession of the Commission the applicant is identified upon the 1880 Authenticated Roll of the Cherokee Nation, Sequoyah District, page 696, number 501, upon the 1894 Cherokee Strip Payment Roll, Sequoyah District, page 956, number 541 and upon the 1896 Cherokee Census Roll, Sequoyah District, page 1068, number 555 enrolled on said rolls as a citizen by blood of said nation.

It further appears from the record herein that on November 7, 1904 the applicant appeared in person before the Commission and, under the provisions of a portion of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), elected to be finally enrolled by this Commission as a citizen by blood of the Choctaw Nation and to take his allotment of lands and distribution of moneys as a citizen by blood of said nation.

It further appears from the record herein that the applicant was a resident in good faith of Indian Territory on June 28, 1896.

2.

It is, therefore, the opinion of this Commission that Robert L. Fargo should be enrolled as a citizen by blood of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED

Tams Birby.

Chairman.

SIGNED

T.B. Needles.

Commissioner.

SIGNED

C.R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

JAN 10 1905

Cherokee D-2168.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of
Robert L. Fargo, as a citizen by blood of the Cherokee Nation.

---: D E C I S I O N :---

It appears from the record herein that on June 30, 1902, Emmet Starr appeared before this Commission, at Muskogee, Indian Territory, and made application for the enrollment of Robert L. Fargo, as a citizen by blood of the Cherokee Nation.

It further appears from the record herein that the applicant is the son of Charles A. Fargo, a recognized citizen by blood of the Cherokee Nation, and Harriana Fargo (deceased), a recognized citizen by blood of the Choctaw Nation.




It appears from the records of the Commission that on September 7, 1896, in the case entitled "Ann Agent, et al., vs. the Choctaw Nation," (1896 Choctaw citizenship docket, case No. 489) original application was made to the Commission under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for the admission of the applicant, Robert L. Fargo, as a citizen by blood of the Choctaw Nation, and on December 2, 1896, the said Robert L. Fargo was by this Commission admitted to citizenship in the Choctaw Nation, as a citizen by blood, from which decision of the Commission no appeal was taken.

Upon an examination of the tribal rolls in the possession of the Commission, the applicant is identified upon the 1880 Authenticated Cherokee Roll, and also upon the 1894 Cherokee Strip Payment Roll, as a citizen by blood of said nation.

It further appears from the records of the Commission that on June 20, 1899, the applicant appeared before this Commission and made application for the enrollment of himself as a citizen by blood of the Choctaw Nation, and on November 7, 1904, he appeared in person before the Commission, and under the provisions of a portion of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), elected to be enrolled by this Commission as a citizen by blood of the Choctaw Nation, and to take his allotment of lands and distribution of moneys, as a citizen by blood of said nation. Thereafter, on January 10, 1905, the Commission granted the application of the applicant for enrollment as a citizen by blood of the Choctaw Nation.

It is therefore the opinion of this Commission that the application made for the enrollment of Robert L. Farga, as a citizen by blood of the Cherokee Nation, should be denied, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

APR 13 1905

Cherokee D-2168.

Vinita, Indian Territory, March 10th, 1903.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

Robert L. Fargo is listed on Cherokee doubtful card 2168 and it appears from a note on the card that he is also listed for enrollment as a Choctaw on Choctaw card 2931.

Will you please inform this division as to the status of his Choctaw application. If he has not been finally enrolled but has made his election as a Choctaw, please furnish this division with copies of the testimony.

Respectfully,

Clerk in Charge.

TAMM BIXBY
THOMAS B. NEEDLES
C. R. DRE. FORD
W. F. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Choctaw 2931.

Muskogee, Indian Territory, March 16, 1903.

P. G. Reuter,

Clerk in Charge Cherokee Land Office,

Vinita, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 10, asking the status of the application of Robert L. Fargo for enrollment as a citizen of the Choctaw Nation, and stating that it appears from the records of your office that Robert L. Fargo is listed on Cherokee doubtful card 2168, and you ask if he has made his election to be enrolled in the Choctaw Nation, and if so, that you be furnished a copy of his testimony.

In reply to your letter you are advised that it does not appear from our records that Robert L. Fargo has made his election to be enrolled as a citizen of the Choctaw Nation. It does appear, however, that he was admitted to citizenship in the Choctaw Nation by this Commission under the act of Congress of June 10, 1896, in Choctaw case Number 489, and that no appeal was taken from this decision. His name, however, has not been placed upon the schedules of the citizens of the Choctaw Nation prepared for forwarding to the Secretary of the Interior for approval.

Respectfully,

Chairman.

Cherokee D-2168

Tahlequah, Indian Territory, November 21, 1903.

Commission to the Five Civilized Tribes,
(Choctaw-Chickasaw Enrollment Division),
Muskogee, Indian Territory.

Gentlemen:

One Robert L. Fargo, aged at this time about 31, has been, from information, listed upon a doubtful card as a citizen by blood of the Cherokee Nation. His name appears upon the 1880 authenticated roll and the 1896 census roll of citizens of the Cherokee Nation.

This office is informed that said Robert L. Fargo is an applicant for enrollment as a citizen of the Choctaw Nation. I therefore request to be advised as to the status of the said Robert L. Fargo as a citizen of the Choctaw Nation.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MPM

COMMISSIONERS
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGES,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

7-2931

REFER IN REPLY TO THE FOLLOWING

7-2931

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 28, 1903.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 21, asking the status of the enrollment of Robert L. Fargo as a citizen of the Choctaw Nation. You state that his name appears upon the 1880 authenticated roll of the Cherokee Nation and the 1896 census roll of said Nation and that he has been listed from information upon Cherokee doubtful card number 2168.

In reply to your letter you are informed that it appears from our records that Robert L. Fargo has been listed for enrollment as a citizen by blood of the Choctaw Nation, having been admitted to citizenship in said Nation by a judgment of this Commission under the provisions of the Act of Congress of June 10, 1896, in Choctaw case number 489. However, his name has not yet been placed upon the schedules of citizens by blood of the Choctaw Nation prepared for forwarding to the Secretary of the Interior.

Respectfully,


Chairman.

2361

arg

DEC 1 REC

COMMISSIONERS:
TAMM HENRY,
THOMAS B. HENKELS,
C. R. BRACKENRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

52168
W. O. B.

REPORT IN REPLY TO THE FOLLOWING:
Choctaw 2931.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 10, 1905.

Cherokee Enrollment Division,

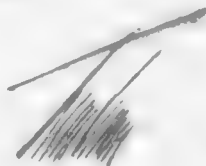
Commission to the Five Civilized Tribes,

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered January 10, 1905, granting the application for the enrollment of Robert L. Fargo as a citizen by blood of the Choctaw Nation.

It appears from the records of the Commission that the applicant herein is identified upon the 1880 Authenticated Roll of the Cherokee Nation, Sequoyah District, page 696, number 301; upon the 1894 Cherokee Strip Payment Roll, Sequoyah District, page 956, number 541, and upon the 1896 Cherokee Census Roll, Sequoyah District, page 1068, number 555, as a citizen by blood of the Cherokee Nation.

Respectfully,



Chairman.

Incl. 7-2931.

COPY.

Cherokee D-2168.

Muskogee, Indian Territory, April 19, 1905.

Robert L. Fargo,

Riverside, California.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision dated April 19, 1905, rejecting your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

Tame Bixby.
Chairman.

Incl. 8-29
Register

COPY.

Cherokee D-2168.

Muskogee, Indian Territory, April 19, 1905.

W. F. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting the application for the enrollment of Robert L. Fargo as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-30

(SIGNED). *Tame Dixby.*
Chairman.

COPY.

Cherokee D-2168.

Muskogee, Indian Territory, April 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Robert L. Fargo as a citizen by blood of the Cherokee Nation, including the Commission's decision dated April 12, 1905, rejecting said application.

Respectfully,

(SIGNED) *Tame Dixby.*
Chairman.

Incl. 8-31

Through the

Commissioner of Indian Affairs.

-Copy-

Land,
31391-1908.

JPA

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 3, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 19, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation of Robert L. Fargo.

April 19, 1905, the Commission decided adversely to the applicant.

The record shows that on December 2, 1896, the applicant was by the Commission duly admitted to citizenship in the Choctaw Nation as a citizen by blood, and no appeal has been taken from such decision.

It further appears that on November 7, 1904, this applicant appeared before the Commission and elected to be enrolled as a citizen by blood of the Choctaw Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M. (W)

Y.)P.

DEPARTMENT OF THE INTERIOR,
Washington.

LLE

I.T.B.4964-1906.

August 11, 1906.

IRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 19, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the Application of Robert L. Farge for his enrollment as a citizen by blood of the Cherokee Nation, including its decision of the same date, rejecting said application.

Reporting May 3, 1906, the Indian Office recommended that the Commission's decision adverse to the applicant be affirmed. A copy of its letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated April 19, 1906, rejecting said application is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,
Acting Secretary.

1 inclosure.

Cherokee D-2168.

COPY.

Muskogee, Indian Territory, August 21, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting the application for the enrollment of Robert L. Fargo as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 11, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED:

Tamm Dixby.
Commissioner.

LS

Incl. 8-950

REFER IN REPLY TO THE FOLLOWING:
Cherok e D-2168.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 21, 1905.

Robert L. Fargo,
Riverside, California.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 11, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

LS

Incl. S-940

Commissioner.

Land.
67633-1905.

JYA

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

August 26, 1905.

Commissioner to the
Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Responding to your request of August 19, 1905, I enclose
a copy of Office letter of May 3, 1905, in Cherokee citizen
enrollment case of Robert L. Fargo.

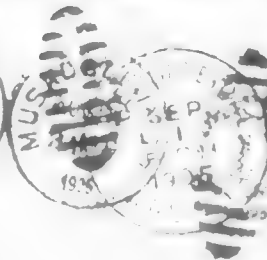
Very respectfully,

M.M.M.
W.

(Signed) F. B. Leupp-
Commissioner.

Department of the Interior.

Contributed to the Five Civilized Tribes.
MUSKOCOE, IND. TER.



UNCLAIMED

CHEFOKEE

R 969

(106)

Department of the Interior.

Commission to the Five Civilized Tribes.

In the D

de

Robert L. Fargo.

All

DENIED.

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 11 1905

Transferred from Che

No D 2168

R 9-969

Cher R 970

Cher R 970

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Susan Frances Brown for the enrollment
of herself and her three minor
children, Eben Foster Brown, Natha
Brown and Amos Brown, as citizens
by blood of the Chickasaw Nation.

---D 202---

On the 18th day of March, 1902, the applicants were notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Susan Frances Brown, Eben Foster Brown, Natha Brown and Amos Brown for enrollment as citizens of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of May, 1902, for final consideration.

Now, on this 7th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicants being called failed to appear either in person or by attorney.

---0---

Harry C Risteen being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 7th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 8th day of May, 1902.

Charles H. Sawyer

Notary Public.

(COPY)

-In the matter of the application of Fanny Brown for enrollment as a Chickasaw citizen.

Thomas Landrum being sworn says:

I am about 35 years old. I am the husband of Nannie Landrum and the father of Mary Lewis, Lula Landrum. The names of these persons appear on both the Chickasaw and Cherokee rolls.

The reason is they said we could get allotment in both Nation, and we just enrolled them.

We have been drawing money in both Nation. They drew the strip payment.

My wife's name, before she married me, was Ryder. Her father's name was Tuck and her mother's was Agnes. She was born and raised in the Chickasaw Nation. I do not know the name of the grandmother of my wife.

My wife's brother and sister are Tom Ryder and Fanny Keys. They are also on both the Cherokee and Chickasaw rolls. Jimmy Keys, child of Fanny Keys died when he was a baby.

I know Fanny, wife of J. B. Brown. She and her family are also enrolled in both the Cherokee and Chickasaw Nations. Her children are Ebin, Natha (on roll as Martha) and Amos.

My wife was born and raised in the Chickasaw Nation and was enrolled there. She drew in the 1893 payment. I do not know why she did not draw in the 1889 "Net Proceeds" payment. Some one told her that if she would come down and enroll she could get the "Leased District" money. She gave 5 % of it to get the money. I do not know to whom she paid this.

Tom Ryder is also on both the Cherokee and Chickasaw rolls.

2012-18

02627

DEC 30 1903

CHAIRMAN

2 PTE

R
Case 2687

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

Emmet Starr, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Susan F. Brown, page 115, # 245, Coconino District; also
on 1894 roll, page 127, # 245, Coconino District;
Nathie Brown, page 115, # 247, Coconino District; also on
1894 roll, page 127, # 247, Coconino District, as Nathie Brown;
(Continued in space below)

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1896
Cherokee roll, their families and their descendants:

Ann Brown, 1896 roll, page 115, # 247, Coconino District;
also on 1894 roll, page 127, # 248, Coconino District;
Note: "Probably Chickasaw".

B. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

B. C. Bagwell

Subscribed and sworn to before me this August 18, 1902.

B. C. Jones
Notary Public.

8040
COPY.

9-D-208.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o:0:0-----

In the matter of the application for the enrollment of Susan Frances Brown, Eben Foster Brown, Natha Brown and Amos Brown as citizens by blood of the Chickasaw Nation.

--: D E C I S I O N :--

It is shown by the census card records of the Commission that John B. Brown appeared before the Commission on November 10, 1898, and made personal application for the enrollment of his wife, Susan Frances Brown, and their minor children, Eben Foster, Natha and Amos Brown, as citizens by blood of the Chickasaw Nation.

It appears from the evidence submitted in this case and the records in the possession of the Commission that Susan Frances Brown is a Chickasaw Indian; that she is married to John B. Brown, a Cherokee Indian; that the minor applicants are the offspring of said union, and that all parties applicant are recognized and enrolled by the tribal authorities of both the Chickasaw and Cherokee Nations as citizens of said Nations. The names of Susan Frances, Eben Foster, Natha and Amos Brown are identified on the 1896 Chickasaw Census Roll, Pamel County, at page 6.

It further appears that the applicants herein were residents in good faith of Indian Territory on June 28, 1898, all applicants listed upon census cards during 1898 having been first examined as to such fact, although their testimony was not reduced to writing.

It also appears that said Susan Frances Brown, for herself and her said children, Eben Foster, Natha and Amos Brown, elected in writing to be enrolled and take allotment of lands and distribution of moneys in the Chickasaw Nation, and that subsequently, the said Eben Foster Brown, for himself, elected in writing to be enrolled and take allotment of lands and distribution of moneys in the Chickasaw Nation.

It is, therefore, the opinion of this Commission that Susan Frances Brown, Eben Foster Brown, Natha Brown and Amos Brown should be enrolled as citizens by blood of the Chickasaw Nation,

in accordance with their said election under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

James L. May.

Chairman.

(SIGNED)

T. D. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. F. Stanley.

Commissioner.

Muskogee, Indian Territory,

DEC 5 1903

A-7m
B-6d

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Susan F. Brown, et al., as citizens of the Cherokee Nation, con-
solidating the applications of:

Susan F. Brown, et al.,
Ebbin Brown,

Cherokee D 2627
Cherokee D 2628.

-:-

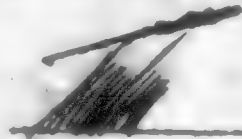
D E C I S I O N.

The record in this case shows that on June 20, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made applications for the enrollment of Susan F. Brown, Natha Brown, Ames Brown and Ebbin Brown, as citizens of the Cherokee Nation.

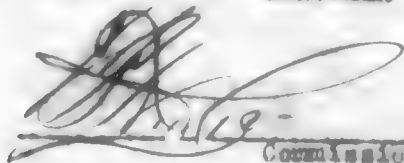
The record in this case further shows that said applicants possess rights to enrollment as citizens by blood of the Chickasaw Nation, have made application and elected to be enrolled as such, are included in a partial roll of Chickasaw citizens by blood approved by the Secretary of the Interior September 22, 1904, their names appearing as Susan Frances Brown, Eben Foster Brown, Natha Brown and Ames Brown, opposite Numbers 4884, 4885, 4886 and 4887, respectively, and that said applicants have selected their allotments of lands in said Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Susan F. Brown, Natha Brown, Ames Brown and Ebbin Brown, as citizens of the Cherokee Nation should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1906 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman



Commissioner

Muskogee, Indian Territory,
APR 21 1905



Commissioner

COMMISSIONERS
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRUCKNIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chickasaw D 202

ALLISON L. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, December 5, 1903.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered December 5, 1903, granting the application of Susan Frances Brown for the enrollment of herself and children Eben Foster Brown, Natha Brown and Amos Brown as citizens by blood of the Chickasaw Nation.

It appears from the evidence submitted in this case and from the records in possession of the Commission that all the parties applicant are recognized and enrolled by the tribal authorities of the Cherokee Nation as citizens thereof.

Respectfully,

Chairman.

Enc. 9-D-202.

Doc. 2-2-203.

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from the ...

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of the ...

Open ...
of Green ...
the Commission ...

Gentlemen:

Charles ...

2403

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DEC 11 REC.

Cherokee D 2627.

Tahlequah, Indian Territory, December 12, 1903.

Commission to the Five Civilized Tribes,

(Cheetaw-Chickasaw division,)

Muskogee, Indian Territory.

Gentlemen:

Will you please furnish this office with a copy of the testimony taken in the matter of the application for the enrollment of Susan F. Brown et al. as citizens of the Chickasaw Nation, Chickasaw D 2021

Respectfully,

Commissioner in Charge
Cherokee Land Office.

FOR.

Cherokee 9579
Cherokee D-2628
Cherokee P-2627

Tahlequah, Indian Territory. May 24, 1904.

Eben T. Brown,

Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 19, stating that your father, John Brown, a citizen by blood of the Cherokee Nation, died in January, 1903, and asking how you should proceed to select the allotment to which he was entitled.

In reply there is quoted Rule 10 of the Regulations Governing Selections of Allotments in the Cherokee Nation, which answers your inquiry.

"Upon the application of a duly appointed administrator or executor, representing a citizen who has died subsequent to the first day of September, 1902, an allotment will be made in the name of said deceased citizen as provided in Section twenty of the Act of Congress approved July 1, 1902. In all cases where administrators or executors are not duly and expeditiously appointed, or fail to act promptly when appointed, or for any other cause selections be not so made for deceased citizens within reasonable time, the Commission will make allotments for such deceased persons."

In regard to your right to represent, as guardian, your minor brothers and sisters, whose mother you state is a Chickasaw,

Eben T.B. 2.

you are requested to inform the Commission whether you refer to
the selection of allotments for these children in the Chickasaw
or Cherokee Nation.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MBR

COPY

Cherokee D 2627

Chickasaw D 202

Muskogee, Indian Territory, October 13, 1904.

Commission to the Five Civilized Tribes,
(Choctaw-Chickasaw division,)

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Susan Brown, Natha Brown and Ames Brown, Cherokee D 2627, it appears that these applicants have also been listed for enrollment on Chickasaw Card, Field No. 202.

It is requested that the Cherokee Enrollment Division be advised as to the present status of these applicants' claim to enrollment in the Creek Nation and if their names have been placed upon the final roll, it is requested that their numbers be given, together with the date of the Department's approval of said roll.

Respectfully,

J. E. Needles.
Commissioner in Charge.

(COPY)

M.O.B.

9-1696

Muskogee, Indian Territory, October 15, 1904.

Commission to the Five Civilized Tribes,

(Cherokee, Enrollment Division.)

Muskogee, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letters of the 13th instant, requesting to be advised relative to the present status of the application for enrollment of Susan, Nathan, Amos and Ebbin Brown, as citizens by blood of the Chickasaw Nation.

You are informed that Susan Francis Brown, Ebbin Foster Brown, Nathan Brown and Amos Brown have been duly enrolled by this Commission as citizens by blood of the Chickasaw Nation, their enrollment as such having been approved by the Secretary of the Interior September 22, 1904, their names appear opposite numbers 4884, 4885, 4886 and 4887 respectively, on the approved roll of citizens by blood of the Chickasaw Nation.

Respectfully,

(Signed) T. B. Needles

Commissioner in Charge.

Cherokee D-3627
Chickasaw 9-1696

Muskogee, Indian Territory, March 4, 1905

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Department.

Gentlemen:

You are respectfully requested to advise the Cherokee Enrollment Division whether or not one Susan F. Brown, one Natha Brown and one Amos Brown, whose names appear upon a partial list of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior September 22, 1904, opposite Nos. 4884, 4885 and 4886, respectively, have, either in person or by attorney, selected and filed upon their allotments of lands in the Chickasaw Nation, and if such filing has been made, was it done voluntarily or arbitrarily.

Respectfully,

C. R. Brockinridge.
Commissioner in Charge.

Copy

Chickasaw 1696
Cherokee D2627
Cherokee D2628

Muskogee, Indian Territory, March 8, 1903.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

Receipt is hereby acknowledged of your two letters of March 4, requesting to be advised relative to enrollment and allotment of Susan F. Brown, Natha Brown, Amos Brown and Ebbin (Eben) Brown.

In reply to your letter you are advised that on February 14, 1903, Susan Frances Brown, by an affidavit filed with the Commission, elected for herself and her minor children, Natha and Amos Brown, to be enrolled as citizens by blood of the Chickasaw Nation; also for her son, Eben Foster, but it appearing that he was of age, on March 12, 1903, by an affidavit, Eben Foster Brown elected for himself to be enrolled and received allotment of lands as a citizen of the Chickasaw Nation.

They have now been enrolled as citizens by blood of the Chickasaw Nation and their enrollment as such approved by the Secretary of the Interior, their names appearing opposite Numbers 4884 to 4887 inclusive, respectively, upon the approved roll of citizens by blood of said nation, as Susan Frances Brown, Eben Foster Brown, Natha Brown and Amos Brown, and selections of allotment have been made voluntarily by all of the persons above named.

Respectfully,

TAMS BIXBY,

Chairman.

COPY,

Cherokee D 2527.

Muskogee, Indian Territory, April 21, 1905.

Susan F. Brown,

Springer, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 21, 1905, rejecting, among others, the application for the enrollment of yourself and your minor children, Natha and Amos Brown, as citizens of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). *Tams Dixby.*
Chairman.

Incl. 3-112
Register

COPY.

Cherokee D 2627,
D 2628.

Muskogee, Indian Territory, April 21, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 21, 1905, rejecting the applications for the enrollment of Susan F., Natha, Ames and Ebbin Brown, as citizens of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). *Tamr Dixby*
Chairman.

Incl. S-114

COPY

Cherokee D 2627,
D 2628,

Muskogee, Indian Territory, April 21, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Susan F. Brown, et al., including the Commission's decision dated April 21, 1905, rejecting the applications for the enrollment of Susan F., Batha, Amos and Ebbin Brown as citizens of the Cherokee Nation.

Respectfully,

SIGNED.

Tams Dixby.
Chairman.

Incl. 8-118.

Through the

Commissioner of Indian Affairs.

(Copy).

Reply in reply to the following:

Land.

31912-1905.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

Washington, May 3, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 21, 1905, transmitting the record of the application for enrollment as citizens of the Cherokee Nation by Susan F., Natha, Amos and Ebbin Brown.

April 21, 1905, the Commission decided adversely to the applicants.

The record shows that the names of all the applicants are included in a partial roll of Chickasaw citizens approved by the Department September 22, 1904, and that they have selected their allotments in said Nation.

In view of the record and the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. E. Larrabee

Acting Commissioner.

M. M. M. (W)

J.P.

DEPARTMENT OF THE INTERIOR, LHS
Washington.

I.T.D.4962-1906.

August 10, 1906.

LHS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 21, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Susan F., Watha, Amos, and Ebbin Brown for enrollment as citizens of the Cherokee Nation, including its decision of the same date, rejecting said application.

Reporting May 3, 1906, the Indian Office recommended that the Commission's decision adverse to said applicants be affirmed. A copy of its letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated April 21, 1906, rejecting said application is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee D-2627.

COPY.

Muskogee, Indian Territory, August 18, 1905.

Susan P. Brown,

Springer, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 21, 1905, respecting, among others, your application for the enrollment of yourself and minor children, Watha and Amos Brown, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 10, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED).

Wm. O. Beale
Acting Commissioner.

LS

Incl. S-57

Cherokee D-2627,

et al.

COPY.

Muskogee, Indian Territory, August 16, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 21, 1905, rejecting the applications for the enrollment of Susan F., Natha, Amos and Ebbin Brown as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 10, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

- 2627.

LS

Wm. A. Ball
Acting Commissioner.

Incl. 8-59

CHEROKEE

R 970

Department of the Interior,

Commission to the Five Civilized Tribes.

In the

Lands

Susan F. Brown, et al.

DENIED.

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 10 1905

Transferred from Cherokee

M. S. 2627

R 970

Cher R 971

Cher R 971

Char. 3 1022

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D. C., June 20, 1902.

In the matter of the application of JAMES BULLITT, ET AL.,
for enrollment as citizens of the Cherokee Nation.

James Starr, being duly sworn and examined by the Commission,
deposed as follows:

Q What is your name? A James Starr.
Q How old are you? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes, sir, I am.
Q For what do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll,
their families and descendants:

Eliza Brown, page 115, § 105, Commencement District;
Also on 1880 roll, page 117, § 216, Commencement District;

Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 18, 1902.

B. C. Jones
Notary Public.

(COPY)

9 D-202.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Susan Frances Brown, Eben Foster Brown, Natha Brown and Amos Brown as citizens by blood of the Chickasaw Nation.

DECISION.

It is shown by the census card records of the Commission that John D. Brown appeared before the Commission on November 10, 1898, and made personal application for the enrollment of his wife, Susan Frances Brown, and their minor children, Eben Foster, Natha and Amos Brown, as citizens by blood of the Chickasaw Nation.

It appears from the evidence submitted in this case and the records in the possession of the Commission that Susan Frances Brown is a Chickasaw Indian; that she is married to John D. Brown, a Cherokee Indian; that the minor applicants are the offspring of said union, and that all parties applicant are recognized and enrolled by the tribal authorities of both the Chickasaw and Cherokee nations as citizens of said nations. The names of Susan Frances, Eben Foster, Natha and Amos Brown are identified on the 1896 Chickasaw census roll, Panola County, at page 6.

It further appears that the applicants herein were residents in good faith of Indian Territory on June 28, 1898, all applicants listed upon census cards during 1898 having been first examined as to such fact, although their testimony was not reduced to writing.

It also appears from the evidence submitted that Susan Frances Brown, for herself and her said children, Eben Foster, Natha and Amos Brown, has elected to be enrolled, take allotment of lands and distribution of moneys with the Chickasaw Nation.

-2-

It is therefore the opinion of this Commission that Susan Frances Brown, Eben Foster Brown, Natha Brown and Amos Brown should be enrolled as citizens by blood of the Chickasaw Nation in accordance with their said election under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

TAMM SIXBY

(SIGNED)

T. B. NEEDLES

(SIGNED)

C. R. BRECKINRIDGE

(SIGNED)

W. E. STANLEY

Muskogee, Indian Territory,

DEC 5 1903

(C O P Y)

A.F.Mc.
D.C.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Susan F. Brown et al., as citizens of the Cherokee Nation, con-
solidating the applications of:

Susan F. Brown et al.
Ebbin Brown,

Cherokee D, 2627
Cherokee D, 2628.

-:-

D E C I S I O N .

The record in this case shows that on June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Susan F. Brown, Natha Brown, Amos Brown and Ebbin Brown, as citizens of the Cherokee Nation.

The record in this case further shows that said applicants possess rights to enrollment as citizens by blood of the Chickasaw Nation, have made application and elected to be enrolled as such, are included in a partial roll of Chickasaw citizens by blood approved by the Secretary of the Interior September 22, 1904, their names appearing as Susan Frances Brown, Eben Foster Brown, Natha Brown and Amos Brown, opposite Numbers 4884, 4885, 4886 and 4887, respectively, and that said applicants have selected their allotments of lands in said Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Susan F. Brown, Natha Brown, Amos Brown and Ebbin Brown, as citizens of the Cherokee Nation should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed)

TAMS BIXBY
Chairman

"

T. B. NEEDLES
C Commissioner

"

C.R. Breckinridge
Commissioner

Muskogee, Indian Territory,

APR 21 1905

(COPY)

Wm. D. B.

Chickasaw D-202.

Muskogee, Indian Territory, January 9, 1903.

Cherokee Enrollment Division.

General Office.

Gentlemen:

In the matter of the application of Susan Frances Brown for the enrollment of herself and her three minor children, Eben Foster, Natha and Amos Brown, as citizens by blood of the Chickasaw Nation, it appears that the father of the three minor applicants herein is a recognized and enrolled citizen of the Cherokee Nation.

You are requested to inform the Choctaw-Chickasaw Enrollment Division as to whether an application has been made for the enrollment of any of the above named parties in the Cherokee Nation, and if so what disposition has been made of such application.

T. B. Needles,

Commissioner in Charge

Vinita, Indian Territory, January 17, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of January 9, stating that Susan Frances Brown has made application for the enrollment of herself and three minor children, Eben, Foster, Natha and Amos Brown, as citizens by blood of the Chickasaw Nation and asking if these persons appear of record as applicants for enrollment as citizens of the Cherokee Nation. It is stated that the father of the three children included in this application, was an enrolled citizen of the Cherokee Nation.

In reply I beg to state that the records of this office show that Susan F. Brown, age at this time 44; Ebbin Brown, age at this time 24; Natha Brown, age at this time 14 and Amos Brown, age at this time 12, are all identified on the 1896 Census roll and the 1894 pay roll as citizens of the Cherokee Nation. No personal application has ever been made for the enrollment of any of these persons, but on July 1, 1902, from information Susan F. Brown, Natha and Amos Brown were listed on Cherokee Card D 2667, and Ebbin Brown was listed on D 2668.

No decision has yet been rendered as to the rights of these persons to be enrolled as citizens of the Cherokee Nation.

-2-

I have to request that this office be furnished with a copy of the Commission's decision as to the rights of these applicants to enrollment as citizens of the Chickasaw Nation.

Respectfully,

Clerk in Charge.

GBS

Cherokee 9879
Cherokee D-2626
Cherokee D-2627

Tahlequah, Indian Territory. May 24, 1904.

Eben F. Brown,

Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 19, stating that your father, John Brown, a citizen by blood of the Cherokee Nation, died in January, 1903, and asking how you should proceed to select the allotment to which he was entitled.

In reply there is quoted Rule 10 of the Regulations Governing Selection of Allotments in the Cherokee Nation which answers your inquiry.

"Upon the application of a duly appointed administrator or executor, representing a citizen who has died subsequent to the first day of September, 1902, an allotment will be made in the name of said deceased citizen as provided in Section twenty of the Act of Congress approved July 1, 1902. In all cases where administrators or executors are not duly and expeditiously appointed, or fail to act promptly when appointed, or for any other cause selection be not so made for deceased citizens within reasonable time, the Commission will make allotments for such deceased persons."

In regard to your right to represent, as guardian, your minor brothers and sisters, whose mother you state is a Chickasaw,

Aben T. B. 2.

you are requested to inform the Commission whether you refer to
the selection of allotments for these children in the Chickasaw
or Cherokee Nation.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MR

COPY.

Cherokee D 2628
Chickasaw D 202

Muskogee, Indian Territory, October 13, 1904.

Commission to the Five Civilized Tribes,
(Choctaw-Chickasaw division,)

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of
Ebbin Brown, Cherokee D 2628, it appears that the applicant has
also been listed for enrollment on Chickasaw Card, Field No.
202.

It is requested that the Cherokee Enrollment Division
be advised as to the present status of this applicant claim to
enrollment in the Creek Nation and if her name has been placed
upon the final roll, it is requested that her number be given,
together with the date of the Department's approval of said roll.

Respectfully,

I. B. Needles.
Commissioner in Charge.

COMMISSIONERS:
TAMM HENRY,
THOMAS B. NEEDLES,
C. B. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. O. B.

ENTER IN REPLY TO THE FOLLOWING

9-1696

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1904.

Commission to the Five Civilized Tribes,
(Cherokee, Enrollment Division.)
Muskogee, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letters of the 13th instant, requesting to be advised relative to the present status of the application for enrollment of Susan, Nathan, Amos and Ebbin Brown, as citizens by blood of the Chickasaw Nation.

You are informed that Susan Francis Brown, Ebbin Foster Brown, Nathan Brown and Amos Brown have been duly enrolled by this Commission as citizens by blood of the Chickasaw Nation, their enrollment as such having been approved by the Secretary of the Interior September 22, 1904, their names appear opposite numbers 4884, 4885, 4886 and 4887 respectively, on the approved roll of citizens by blood of the Chickasaw Nation.

Respectfully,

(Signed) T. B. Needles

Commissioner in Charge.

Cherokee D-2628
Chickasaw D-1696

Muskogee, Indian Territory, March 4, 1905.

Commission to the Five Civilized Tribes,

Chestaw-Chickasaw Department,

Gentlemen:

You are respectfully requested to advise the Cherokee Enrollment Division whether or not one Robin (Nben) Brown, whose name appears upon a partial list of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior September 22, 1904, opposite Number 4867, has, either in person or by attorney, selected and filed upon his allotment of lands in the Chickasaw Nation, and if such filing has been made, was it done voluntarily or arbitrarily.

Respectfully,

C. R. Brockinridge.

Commissioner in Charge

(Copy)

Chickasaw 1696
Cherokee D2627
Cherokee D2628

Muskohes, Indian Territory, March 8, 1905.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

Receipt is hereby acknowledged of your letters of March 4, requesting to be advised relative to enrollment and allotment of Susan F. Brown, Natha Brown, Amos Brown and Ebbin (Eben) Brown.

In reply to your letter you are advised that on February 14, 1903, Susan Frances Brown, by an affidavit filed with the Commission, elected for herself and her minor children, Natha and Amos Brown, to be enrolled as citizens by blood of the Chickasaw Nation; also for her son, Eben Foster, but it appearing that he was of age, on March 12, 1903, by an affidavit, Eben Foster Brown elected for himself to be enrolled and received allotment of lands as a citizen of the Chickasaw Nation.

They have now been enrolled as citizens by blood of the Chickasaw Nation and their enrollment as such approved by the Secretary of the Interior, their names appearing opposite numbers 4884 to 4887 inclusive, respectively, upon the approved roll of citizens by blood of said nation, as Susan Frances Brown, Eben Foster Brown, Natha Brown and Amos Brown, and selections of allotment have been made voluntarily by all of the persons above named.

Respectfully,

TAMS BIXBY,

Chairman.

COPY.

Cherokee D 2528.

Muskogee, Indian Territory, April 21, 1905.

Edwin Brown,

Springer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 21, 1905, rejecting, among others, the application for your enrollment as a citizen of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 3-113
Register

SIGNED: *James Bixby*
Chairman.

COPY.

Cherokee D 2627,
D 2628.

Muskogee, Indian Territory, April 21, 1906.

V. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 21, 1905, rejecting the applications for the enrollment of Susan P. Mather, Anna and Robin Brown, as citizens of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tams Dixby.*
Chairman.

Incl. 3-114

COPY.

Cherokee D 2627,
D 2628.

Muskogee, Indian Territory, April 21, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Susan F. Brown, et al., including the Commission's decision dated April 21, 1905, rejecting the applications for the enrollment of Susan F., Natha, Amos and Ebbin Brown as citizens of the Cherokee Nation.

Respectfully,

SIGNED: *Tams Dixby.*
Chairman.

Incl. 2-116.

Through the

Commissioner of Indian Affairs.

Refer in reply to the following:

Land.
S1912-1905.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, May 3, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 21, 1905, transmitting the record of the application for enrollment as citizens of the Cherokee Nation by Susan F., Natha, Amos and Edwin Brown.

April 21, 1905, the Commission decided adversely to the applicants.

The record shows that the names of all of the applicants are included in a partial roll of Chickasaw citizens approved by the Department September 22, 1904, and that they have selected their allotments in said Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. C. F. Larrabee

Acting Commissioner.

H.M.M. (V)

(Copy).

J. P.

LLB.

DEPARTMENT OF THE INTERIOR,
Washington.

I. T. D. 4962-1905.

D R S.

August 10, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 21, 1905, the Commission to the Five Civilized Tribes Transmitted the record in the matter of the application of Susan F., Natha, Amos, and Ebin Brown for enrollment as citizens of the Cherokee Nation, including its decision of the same date, rejecting said application.

Reporting May 3, 1905, the Indian Office recommended that the Commission's decision adverse to said applicants be affirmed. A copy of its letter is enclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated April 21, 1905, rejecting said application is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

Cherokee D-2628

COPY:

Muskogee, Indian Territory, August 18, 1906.

Ebbin Brown,

Springer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 21, 1905, rejecting, among others, your application for enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 10, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

(SIGNED):

Wm O Beall
Acting Commissioner.

LS

Incl. S-58

Cherokee D-2622

et al.

COPY

Mustogee, Indian Territory, August 18, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Mustogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 21, 1905, rejecting the applications for the enrollment of Susan F., Katha, Amos and Ebbin Brown as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 10, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED:

Wm O. Beale
Acting Commissioner.

LS

Incl. S-59

CHEROKEE

R 974

Department of the Interior

U. S. A. Fish and Game Service

Robin Brown.

DENIED.

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 10 1905

*Transferred from
Vol. No D. 2628*

R974

OK X

Cher R 972

Cher R 972

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Alice Ridge Beatty, page 444, # 415, Delaware District;

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 18, 1902.

[Signature]
Notary Public.

Southwest City, Missouri, May 15, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application made for the enrollment of Alice Ridge Beatty as a citizen of the Cherokee Nation.

Claud L. Washburn, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Claud L. Washburn.
Q What is your age? A 49.
Q What is your post office address? A Southwest City, Mo.
Q Are you a citizen by blood of the Cherokee Nation? A I am.
Q Were you living in Delaware District when the 1880 Roll was made?
A I was.
Q Mr. Washburn, are you acquainted with a woman by the name of Alice Ridge Beatty?
A Yes, sir.
Q How old is this woman?
A I judge her to be about 55 or 56.
Q Is she of Cherokee blood?
A Yes, sir.
Q Did she once live in the Cherokee Nation?
A I think she did when she was a child.
Q Is that her present name, Alice Ridge Beatty?
A Yes, that is her present name.
Q What was the name of her father?
A J. Rollin Ridge.
Q What was the name of her mother?
A Her mother was named Elizabeth.
Q Is Alice Ridge Beatty living?
A Yes, sir.
Q Where does she live?
A She lives in Berkeley, California.
Q Was she in Delaware District when the 1880 Roll was made?
A I do not think she was.
Q Was she in Delaware District when the 1896 Cherokee Census Roll was made?
A No, sir.
Q How did her name appear on the 1896 Census Roll, Delaware District, did some of her relatives put it there?
A Yes, it was put there by some of her relatives.
Q How long has Alice Ridge Beatty lived in California?
A 25 or 30 years, I judge.
Q Is she related to you?
A Yes, sir.
Q What relation?
A First cousin.
Q How old was she when she removed to California?
A I do not remember.

(2).

Q Has she married since she removed to California?
A Yes, sir.
Q Has she ever returned to the Cherokee Nation?
A Not to my knowledge.
Q If she had returned you would have known it?
A Yes, sir.
Q Does she claim any property rights as a citizen of the Cherokee Nation?
A I do not think she does at present.
Q Does she own any property in the Cherokee Nation?
A Not that I know of, unless it would be an old undivided estate of her father.
Q You do not know that she owns that?
A Not positively; the estate was never settled.
Q She has been in California at least 25 or 30 years?
A In Texas and California.
Q She has not lived in the Indian Territory for 25 or 30 years?
A No.
Q Does she express any intention of returning to the Cherokee Nation?
A She did express that intention if she had been enrolled.
Q Does she own any property in California where she lives?
A Yes, sir.
Q What is the name of her husband?
A I think it was George Beatty; he is dead.
Q Has she any children?
A No, sir, never had any.
Q With whom does she live in California?
A I think she lives alone - no, her mother lives with her.

Alice Ridge Beatty is identified on the 1896 Cherokee Census Roll, Delaware District, number 415, and is listed from information on Cherokee Doubtful Card number 2764.

W. P. Covington, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he reported proceedings had in the above and foregoing case on the 15th of May 1905, and that the above and foregoing is a full and correct transcript of his said stenographic notes taken in said case.

W. P. Covington

Subscribed and sworn to before me, this June 9th 1905.

Frederick J. Brown
Notary Public.

D 2764

FILED
1960
COMMISSION TO FIVE THIRDS

Handwritten signature

866
Cherokee B 2764

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
~~Alice Ridge Beatty~~ as a citizen of the Cherokee Nation.

---:--

D E C I S I O N.

IT APPEARS FROM THE RECORD HEREIN: That, on June 30, 1902, Emmet Starr appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of Alice Ridge Beatty (53 years old) as a citizen of the Cherokee Nation. Additional proceedings in the matter of said application were had at Southwest City, Missouri, on May 15, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That Alice Ridge Beatty who is identified on the 1896 Cherokee census roll, is a Cherokee by blood, and that she resided continuously in the Cherokee Nation until about 1865 or 1870, when she removed to the state of California, where she continued to reside up to and including September 1, 1902. The evidence fails to show that said applicant is possessed of any property located in the Cherokee Nation.

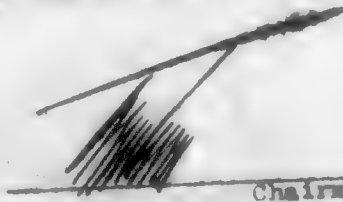
In view of the above facts it is considered by this Commission that said applicant has forfeited her right to citizenship in the Cherokee Nation, under the provisions of Section II, Article I, of the Cherokee Constitution, which provides:

-2-


"Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the application made for the enrollment of Alice Ridge Beatty as a citizen by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

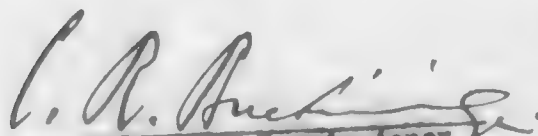
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman



Commissioner



Commissioner

Dated at Muskogee, Indian Territory,
JUN 20 1905
this _____

Greve, Indian Territory, May 15, 1908.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

Since our last report we have taken testimony in the following cases.

Cherokee D. 1621.	Card is duplicate.
Cherokee D. 2475.	Applicant died twenty years ago.
Cherokee D. 1574.	Card is duplicate.
Cherokee D. 1604.	Card is duplicate.
Cherokee D. 1640.	Applicant went to Mexico some 16 years ago, said to be dead.
Cherokee D. 1664.	Card is duplicate.
Cherokee D. 1691.	Another name given; doubtless on final roll.
Cherokee D. 2764.	Applicant lived all her life in California.
Cherokee D. 1563.	Died prior to September 1, 1902.
Cherokee D. 1681.	Left Cherokee Nation about 18 years ago; not known to return.
Cherokee D. 1580.	Doubtless on final roll under name of John Sapsucker.
Cherokee D. 1610.	Applicant died about 1881.
Cherokee D. 2776.	Born in California; never made Cherokee Nation his home.

Shirley D. 1900.

Card is duplicate.

Shirley D. 1917.

Evidence tends to show that applicant died prior to September 1, 1900.

Shirley D. 1902.

Evidence tends to show cause of separation of applicant from his Shirley wife.

Yours respectfully,

(Signed) Fred V. Branson.

COMMISSIONERS:
TAMM RIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED IN REPLY TO THE FOLLOWING:
Cherokee D-2764

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 30, 1905.

Alice Ridge Beatty,
Berkeley, California.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen of the Cherokee Nation, together with a copy of the Commission's decision dated June 30, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. C-2
Register

Chairman.

COPY.

Cherokee D-2764,

Muskogee, Indian Territory, June 30, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the application for the enrollment of Alice Ridge Beatty as a citizen of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. C-3

SIGNED:

Tamie Dixey.

Chairman.

FY.

Cherokee D-2754.

Muskogee, Indian Territory, June 30, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Alice Ridge Beatty as a citizen of the Cherokee Nation, including the Commission's decision dated June 30, 1906, rejecting said application.

Respectfully,

Incl. C-4

Tarna Sixby.
Chairman.

Through the

Commissioner of Indian Affairs.

(Copy).

Refer in reply to the following:

Land.
51830-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

July 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the application for enrollment as a citizen of the Cherokee Nation by Emmet Starr for Alice Ridge Beatty.

June 30, 1905, the Commission decided adversely to the application.

The record shows that Alice Ridge Beatty is identified on the 1896 Cherokee Census roll, is a Cherokee by blood and resided continuously in the Cherokee Nation until about 1865 or 1870 when she removed to the State of California, married there and has continued to reside in that State up to and including September 1, 1902. The evidence fails to show that she is possessed of any property in the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

(Signed) C. F. Larrabee

Acting Commissioner.

M. M. M.

W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W. C. F.
FMS.

I.T.D.

8390-1905.

L.R.S.

August 2, 1905.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Ind. Ter.

Sir:-

On June 30, 1905, the Commission to the Five Civilized Tribes transmitted the report in the matter of the application for enrollment as a citizen of the Cherokee Nation of Alice Ridge Beatty, including its decision of same date rejecting the application.

Reporting July 15, 1905, the Indian Office recommended that the Commission's decision be approved.

The Department concurs in said recommendation, and said decision is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee
D-2764.

Muskogee, Indian Territory, August 11, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

For your information there is inclosed herewith a copy of Departmental letter of August 2, 1905, affirming the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Alice Ridge Beatty as a citizen by blood of the Cherokee Nation.

Respectfully,

Incl. L-201.

Acting Commissioner.

GHL

Cherokee

D-2764.

Muskogee, Indian Territory, August 11, 1905.

Alice Ridge Beatty,

Berkely, California.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 2, 1905.

Respectfully,

GHL

Acting Commissioner.

Department of the Interior
Census Bureau
MUSKOGEE, IND. TER

1004
100

165-0



136

CHEROKEE

R 972

Department of the Interior.

Alice Ridge Beatty.

DENIED.

ACTION APPROVED BY SECRETARY OF INTERIOR

AUG 2 - 1905

*Transferred from Chas.
No 2764*

R 972

Lodge

Cher R 973

Cher R 973

(C O P Y)

Land
19272-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

March 24, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 7, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Gailie Holson for herself and her minor children, Ida M., Lula B., William and Samuel Holson; by Mollie A. Seabolt for herself and by Minnie Russell for herself.

February 13, 1905, the Commission decided favorably to Gailie Holson and adversely to all the other applicants/

The record shows that on October 2, 1901, Sampson Holson father of the minor applicants appeared before the Commission and elected to have them enrolled as citizens by blood of the Choctaw Nation; that on the same day Mollie A. Seabolt so appeared and elected to be enrolled as a citizen by blood of the Choctaw Nation and that on October 7, 1901, the applicant, Minnie Russell, so appeared and elected to be enrolled as a citizen by blood of the Choctaw Nation.

Thereafter letters were received by the Commission from the applicants, Gailie Holson, Mollie A. Seabolt and Minnie Russell requesting that the minor applicants and Mollie A. Seabolt and

Minnie Russell be listed for enrollment as Cherokees by blood. It further appears that opportunity was afforded the applicants to appear and, under oath, re-elect in which Nation they desired to be enrolled, but no further steps were taken by them. The record further shows that the applicant, Sallie Holson, is a Cherokee by blood; that since birth she has continuously lived within the limits of the Indian Territory and that she is duly identified on the Cherokee Strip payment roll of 1894, and the Cherokee Census roll of 1896. The record further shows that all the other applicants are included in a partial roll of citizens by blood of the Chectaw Nation, approved by the Department May 9, 1904.

In view of the record the approval of the Commission's decision favorable to Sallie Holson and adversely to all the other applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

H.M.M.

W.

(C O P Y)

D.C. 48235-1905
I.T.D. 3086-1905

Y.P.
FHE

L R S

DEPARTMENT OF THE INTERIOR
WASHINGTON.

October 16, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 7, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the applications for the enrollment of Gallie Holson, et al., as citizens by blood of the Cherokee Nation, including its decision of February 13, 1905 granting the application for the enrollment of Gallie Holson, and rejecting the applications for the enrollment of Ida M., Lula B., William and Samuel Holson, Mollie A. Seabolt, and Minnie Russel.

Reporting March 24, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and said decision is hereby affirmed .

Respectfully,

(Signed) E. A. HITCHCOCK
Secretary

1 inclosure.

Cherokee
D--105

COPY

Muskogee, Indian Territory, October 31, 1905.

Sallie Holson,

Ganna, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, granting your application for the enrollment of yourself, and denying the application for the enrollment of your four minor children, Ida M., Lula B., William, and Samuel Holson, for enrollment as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 16, 1905.

You are further advised that you will not be permitted to select an allotment of the land in the Cherokee Nation until your name shall have been placed upon a schedule of citizens by blood of the Cherokee Nation and duly approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

SIGNED,

Tamie Dixby.

Commissioner.

GHL

Cherokee D-108,
120, and 136.

COPY.

Muskogee, Indian Territory, October 31, 1905.

W. V. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes granting the application of Ballie Holson for the enrollment of herself, and rejecting her application for the enrollment of her four minor children, Ida M., Lula B., William, and Samuel Holson, and rejecting the applications for the enrollment of Minnie Russell, and Mollie A. Seabolt, was affirmed by the Secretary of the Interior on October 16, 1905.

A copy of Departmental letter is inclosed you herewith.

Respectfully,

Incl. GL-80.
GHL

(SIGNED):

Tame Dixby.
Commissioner.

Cherokee R-973

Holson, Ida M.

Holson, Lula B.

Holson, William

Holson, Samuel

For original record in this case
see Cherokee No. 10954

CHEROKEE

R 973

Ida M. Holson, et al.

DENIED.

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 16 1905

Transferred from 6th
No 105

R 973

Cher R 974

Cher R 974

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MILLAROW, I.T.: AUGUST 16, 1900.

In the matter of the application of George Russell for enrollment of himself and wife as citizens of the Cherokee Nation, said Russell being sworn by Commissioner Needles, testified as follows:

Q What is your name? A George Russell.
Q Your age? A 20.
Q Your postoffice? A none.
Q Are you an acknowledged citizen of the Cherokee nation? A yes.
Q By blood? A Yes.
Q What proportion of blood do you claim? A Half.
Q What district do you live? A Sequoyah.
Q How long have you lived there? A Born and raised there.
Q For whom do you apply? A Myself and wife.
Q What is your father's name? A Andrew Russell.
Q Is he living? A Yes.
Q What is your mother's name? A Polly Russell.
Q Is she living? A Yes.
Q What is your wife's name? A Winnie Holson.
Q Is she a Cherokee? A Yes.
Q Is her name upon the rolls of the Cherokee Nation? A Yes.
Q What was her father's name? A Holson.
Q Is he living? A Yes.
Q Is he a Cherokee? A No sir, Choctaw.
Q What was her mother's name? A Sallie.
Q Is she living? A Yes.
Q Is she a Cherokee? A Yes.
Q When did you marry? A '98.
Q Have you certificate of marriage? A Yes.
Q What are the names of your children? A I have none.

Applicant's father on '80 roll, page 718, number 1036, as Andrew Russell.

Q Applicant's mother's name on '80 roll, page 715, number 1039, as Polly Russell.

Applicant on '96 roll, page 1094, number 1800.

Applicant's wife on '94 roll as Winnie L. Holson, page 1073, number 673.

On '94 roll, page 964, number 720, as Winnie Holston.

The name of George Russell appearing upon the census roll of '96 and the name of his father and mother- his father's name was Andrew Russell and his mother's name was Polly Russell- appearing upon the authenticated roll of '80, and he being identified as a lineal descendant of said Andrew and Polly Russell, and making satisfactory proof of his residence, will be duly listed for enrollment by this Commission as a Cherokee citizen by blood.

The name of his wife, Winnie Russell, nee Winnie Holson, appears upon the census roll of '96 and the pay-roll of '94, but the names of her father and mother are not found upon the pay-roll of '80 and some doubts have arisen as to the ~~stockholder's~~ citizenship of her father and mother, and he presents a marriage license and certificate certifying that the said George Russell was married to Miss Winnie Holson according to the laws of the United States on the 22nd day of November '98, consequently final judgment as to the application for enrollment of his wife, Winnie Holson, will be suspended and her name will be placed upon a white or doubtful card.

The undersigned, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above named case, and that the foregoing is a full, true and correct transcript of his stenographic notes.

Subscribed and sworn to before me this 16th day of August, 1900.

Commissioner.

1130-
a-
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 12 1900

[Signature]

ACTING SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 16 1900

CHEROKEES BY BLOOD AND ADOPTION.

Date

August 16

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

/Wife's name

Minnie Russell

District

Sequoyah

Year

1896

Page

1073

No.

673

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

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Age

100 1340 100 as Minnie L. Russell

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 16 1900

Marriage License.

Mr. *George* *Smith*
TO
Miss *Anna* *Thompson*

Returned and Filed this *12* day of

Aug 18*98*
J. H. Reed Clerk
By *George* *Smith* D. C.

CERTIFICATE OF RECORD.

STATE OF ARKANSAS,
County of Sebastian,
Fort Smith District.

I, T. N. REED, Clerk of the County Court of said County, certify that the above License for and Certificate of the Marriage of Mr *George Russell* and
Miss Minnie Kalam were on the *7* day of
January 189*9*, filed in my office, and the same are now duly recorded on page *570*
of Book *"G"* of Marriage Records.

WITNESS my hand and the seal of said County, this *16* day of *January* 189*9*.
T. N. Reed Clerk.
By *J. M. Gardner* D. C.

Marriage License.

FILED
AUG 10 1899

Returned and Filed this *17* day of *January* 189*9*

Clerk

By *J. M. Gardner* D. C.

Marriage License.

State of Arkansas,
County of Sebastian,
Fort Smith District.

To any Person Authorized by Law to Solemnize Marriage, Greeting:

You are hereby commanded to solemnize the rite and publish the bans of Matrimony between Mr. *George K. Lewis* of *Garrison* in the County of *Crawford* State of *Ind. Terr.* aged *18* years, and Miss *Winnie Thomas* of *Garrison* in the County of *Crawford* State of *Ind. Terr.* aged *17* years, according to Law, and do you officially sign and return this License to the parties herein named.

Witness my hand and official seal this *22* day of *November* 189*8*

J. H. Reed

COUNTY CLERK.

BY

J. H. Gardner

DEPUTY CLERK.

Certificate of Marriage.

State of Arkansas,
County of *Sebastian*

I, *Samuel Baker* do hereby certify that on the *22* day of *November* 189*8* I did, duly and according to Law, as commanded in the foregoing License, solemnize the rite and publish the bans of Matrimony between the parties therein named.

Witness my hand this *22* day of *November* 189*8*

Samuel Baker J.P.

My credentials are recorded in Recorder's office, *Sebastian* County, Ark.

NOTE.—This License with Certificate duly executed and officially signed, must be returned to the office from whence it was issued within sixty days from the date of License, under penalty of forfeiture of the Bond. No minister of the Gospel is authorized to solemnize the rites of Matrimony until he shall have his License or Credentials recorded in some County in the State. He should then fill out the above blank certificate.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
DUSKOOKA, I. T. October 7, 1901.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Minnie Russell. Minnie Russell being first duly sworn by Acting Chairman Bixby, testified as follows:

Examination by the Commission.

Q What is your name? A Minnie Russell.
Q How old are you? A Twenty.
Q What is your postoffice address? A Same.
Q Where is that? A In the Sequoyah District.
Q Cherokee Nation? A Yes sir.
Q Indian Territory? A Yes sir.
Q Is that right? A Yes sir.
Q Do you live in the Cherokee Nation, Indian Territory?
A Yes sir.
Q How long have you lived there? A Nine years.
Q Where did you live before that? A Lived in the Choctaw Nation.
Q Where in the Choctaw Nation? A In Sugar Loaf County.
Q Born in the Choctaw Nation? A Yes sir.
Q And lived there all the time up until you moved to the Cherokee Nation? A Yes sir.
Q What is your father's name? A Sam Holson.
Q Is your father living? A Yes sir.
Q Where does your father live? A In the Choctaw Nation.
Q Where? A At Wilburton.
Q Is he a Choctaw Indian? A Yes sir.
Q How much Choctaw Indian? A Full blood he says. I don't know.
Q What is his wife's name? A The one he's got now?
Q Yes. A Her name was Are.
Q How long has he been married to her? A I don't know.
Q About how long do you know? A About six years I guess.
Q Is her given name Texanna? A That's her name, Texanna.
Q Have they any children? A Yes sir.
Q Do you know what their names are? A One of them is named Charley I think and the other one James.

The name of this applicant's father is found upon the records of the Commission on Choctaw roll card No. 3047 as Sampson Holson.

Q What is your mother's name? A Sallie.
Q Sallie Holson? A Yes sir.
Q Is your mother living? A Yes sir.
Q Is your mother a Choctaw citizen? A No sir she is a Cherokee.
Q Has she ever been enrolled as a citizen of the Cherokee Nation? A She tried to. I don't know whether she got on or not.
Q When? A Last year, I think.
Q Before this Commission - before the Dawes Commission? A Yes sir.
Q Do you know where? A She went to Tahlequah, I think.
Q When was Sam Holson and your mother married? A I don't know.
Q Was the first time Sampson Holson ever married when he married your mother? A Yes sir.
Q Do you know about when that was? A No sir.

Winnie Russell 2..

Q Was your mother ever married before she married Sampson Nelson? A No sir.

Q How long did they live together as man and wife? A I couldn't tell you that either.

Q When did they separate? A Well, when we moved out here and that has been nine years ago.

Reference is made to the testimony of Sampson Nelson in the matter of the application for the enrollment of his children, Ida May, Lula Bell, William Henry Harrison and Sampson Sweeny Noel Nelson, as citizens by blood of the Choctaw Nation, made at Muskogee, Indian Territory, October 2nd, 1901.

Q Have you ever been enrolled by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A I don't know.

Q Did you ever draw any money as a citizen of the Choctaw Nation? A Yes sir.

Q When? A The same year we came out here. We got money from there then.

Q How much money did you get? A A hundred and fifty a piece I think. One hundred and fifteen it was.

The name of this applicant is found upon the 1893 pay roll of the citizens of the Choctaw Nation, Sugar Loaf County, as Minnie Nelson, page 32, Number 330, as a beneficiary sharing in the Least District Payment of citizens by blood of the Choctaw Nation.

Q At the time this payment was made to you and your brothers and sisters and your father, was it after your father and mother had separated? A Yes sir.

Q You were living in the Cherokee Nation at that time?

A Yes sir.

Q That was nine years ago - about eight years ago? A Yes sir.

Q Have you ever received any money since that time from the Cherokee Nation? A I don't know whether I did or not.

Q Did your mother ever draw any money for you as a citizen of the Cherokee Nation? A Yes sir.

Q Did your mother draw the Cherokee Strip Payment in 1894?

A Yes sir.

Q Draw for you? A Yes sir for all of us.

Q As citizens of the Cherokee Nation? A Yes sir.

Q Were you enrolled in 1896 as a citizen of the Cherokee Nation when they made the census there? A I guess I was. I don't remember.

Q When were you married? A Year before last.

Q What is your husband's name? A George Russell.

Q Is he a citizen of the Cherokee Nation? A Yes sir.

Q Did he ever apply to the Dawes Commission to have you enrolled as a citizen of the Cherokee Nation? A Yes sir.

Q When? A Last year.

Q Where? A Muldrow.

George Russell, being duly sworn by Acting Chairman Bixby as a witness in this case, testified as follows:

Q What is your name? A George Russell.

Q How old are you? A I am twenty one.

Q What is your post-office address? A Gans, Indian Territory.

Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.

Q Are you the husband of this applicant, Winnie Russell?

Minnie Russell 3

A Yes sir.

Q Have you ever made application to the Commission to the Five Civilized Tribes to have your wife enrolled as a citizen of the Cherokee Nation? A Yes sir. I went to Muldrow and tried to enroll my wife. I enrolled myself and tried to enroll my wife and they said they couldn't put her on the roll.

Q What action did they take? A I think they put her on the doubtful roll. Mrs Nelson wasn't there and her name was not on the 1880 roll and then her father being a Choctaw, something like that was the reason I think.

Minnie Russell being recalled :

Q It appears from your testimony and from the evidence of your husband, that you have been enrolled as a citizen of both the Cherokee and Choctaw Nations by the tribal authorities of those nations and that your husband has applied for you to be enrolled by this Commission as a citizen of the Cherokee Nation entitled to allotment of lands in that Nation. Is it your purpose now in applying to the Commission to be enrolled as a citizen of the Choctaw Nation? A Yes sir.

Q To elect to be finally enrolled as a citizen of one of these two tribes and to take your allotment as a citizen of either the Choctaw or Cherokee Nation? A Yes sir.

Q The twenty first section of the act of Congress of June 28, 1898, under which this Commission is empowered to prepare rolls of citizenship of the Five Tribes in the Indian Territory, provides "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right:" Now, under this authority of law, in which tribe do you elect to be finally enrolled and receive your allotment of land? A In the Choctaw.

In the Choctaw Nation? A Yes sir.

Q You understand that in this election you only signify your desire to be enrolled as a citizen of the Choctaw Nation and that it is not binding on the Commission to so finally enroll you. That is a question to be finally determined. If the Commission finally enrolls you as a citizen by blood of the Choctaw Nation, do you relinquish all your right, title and interest you might have in any manner as a citizen of the Choctaw Nation? A Yes sir.

You have no children? A No sir.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 7th day of October, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 7th day of October, 1901.

Myra Young
Acting Clerk ad.

DCL
7-D-665
7-D-666
7-D-664

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application for the enrollment of Mollie Ann Seabolt, Minnie Russell, Ida May Holson, Lula Belle Holson, William H. H. Holson and Sampson S. N. Holson as citizens by blood of the Choctaw Nation.

-----:D E C I S I O N :-----

It appears from the record herein that application was made to the Commission for the enrollment of Mollie Ann Seabolt, Minnie Russell, Ida May Holson, Lula Belle Holson, William H. H. Holson and Sampson S. N. Holson as citizens by blood of the Choctaw Nation.

It further appears from the record herein that all and each of said applicants are the children of Sampson Holson, a recognized and enrolled citizen by blood of the Choctaw Nation and his wife, Sallie Holson, a recognized and enrolled citizen by blood of the Cherokee Nation.

An examination of the tribal rolls in the possession of the Commission shows that the names of Mollie Ann Seabolt, Minnie Russell, Ida May Holson, Lula Belle Holson, William H. H. Holson and Sampson S. N. Holson appear upon the 1893 Choctaw Leased District Payment roll, Sugar Loaf County, numbers 329, 330, 331, 332, 333 and 334, respectively, and that their names also appear upon the 1896 Cherokee Census roll, Sequoyah District, enrolled on both rolls as citizens by blood of said Nations.

It further appears from the record herein that on October 2, 1901, under the provisions of a portion of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat. 495), Mollie Ann Seabolt personally appeared before the Commission at Muskogee, Indian Territory, and elected for herself to be finally enrolled as a citizen by blood of the Choctaw Nation and to take allotment of lands and distribution of moneys in said Nation; that on October 7, 1901, under the provisions of said section of said act of Congress, Minnie Russell personally appeared before the Commission at Muskogee, Indian Territory, and elected for herself to be finally enrolled as a citizen by blood of the Choctaw Nation and to take allotment of lands and distribution of moneys in said Nation; that on October 2, 1901, under the provisions of said section of said act of Congress, Sampson Holson personally appeared before the Commission at Muskogee, Indian Territory, and elected for his minor children, Ida May Holson, Lula Belle Holson, William H. H. Holson and Sampson S. N. Holson, to be finally enrolled as citizens by blood of the Choctaw Nation and that they take allotment of lands and distribution of moneys in said Nation; and that on March 5, 1902,

under the provisions of said section of said act of Congress, Ida May Holson personally appeared before the Commission at Muskogee, Indian Territory, and elected for herself to be finally enrolled as a citizen by blood of the Choctaw Nation and to take allotment of lands and distribution of moneys in said Nation.

It is, therefore, the opinion of this Commission that Mollie Ann Seabolt, Minnie Russell, Ida May Holson, Lula Belle Holson, William H. H. Holson and Sampson S. M. Holson should be enrolled as citizens by blood of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES?

TAMS BIXBY

Chairman.

T. B. NEEDLES.

Commissioner.

C. R. Breckinridge.

Commissioner

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory.

March 15, 1904.

R. F. B.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sallie Holson et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

Sallie Holson, et al.,
Mollie A. Seabolt,
Minnie Russell,

Cherokee D-105,
Cherokee D-120,
Cherokee D-136.

--: D E C I S I O N :--

The record herein shows that applications for enrollment as citizens by blood of the Cherokee Nation were made to this Commission by Sallie Holson for herself and minor children, Ida M. Holson, Lula B. Holson, William Holson and Samuel Holson; by John E. Seabolt for himself and wife, Mollie A. Seabolt; and by George Russell for himself and wife, Minnie Russell. As the applicants John E. Seabolt and George Russell have been heretofore disposed of, and their names now appear upon a partial roll of citizens by blood of the Cherokee Nation, duly approved by the Secretary of the Interior, they will not be embraced in this decision.

From the records in the possession of this Commission it further appears that on October 2, 1901, Sampson Holson, the father of the above named minor applicants, appeared before this Commission at Muskogee, Indian Territory, and elected to have said above named minor applicants enrolled as citizens by blood of the Choctaw Nation; that on October 2, 1901, the applicant, Mollie A. Seabolt, appeared before this Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation; and that on October 7, 1901, the applicant Minnie Russell, appeared before this Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation. Thereafter, letters were received by this Commission from the applicants Sallie Holson, Mollie A. Seabolt and Minnie Russell, respectively, requesting that the above named minor applicants and the said Mollie A. Seabolt and Minnie Russell, be listed for enrollment as Cherokees by blood. Whereupon, further time was granted said applicants to appear before this Commission and, under oath, re-elect in which Nation they desired to be

enrolled, and upon their failure to so appear and elect, this case was ordered closed.

The evidence herein shows that the applicant, Sallie Holson, is a Cherokee by blood; that since birth she has continuously lived within the limits of the Indian Territory, the major portion of her life having been spent in the Cherokee Nation, and that she is duly identified on the Cherokee Strip payment roll of 1894, and the Cherokee census roll of 1896.

The evidence further shows that the applicants, Ida M. Holson (Ida May Holson), Lula B. Holson (Lula Belle Holson), William Holson (William H. H. Holson), Samuel Holson (Samuel S. M. Holson), Mollie A. Seabolt (Mollie Ann Seabolt), and Minnie Russell, are included in a partial roll of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior May 9, 1904, at Nos. 15540, 15541, 15542, 15543, 15544 and 15545, respectively.

Section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Ezekiel C. McGlaughlin (I. T. D. 7538-02), Mary J. Williston (I. T. D. 7539-02), Sarah R. Murphy (I. T. D. 1106-03), Samuel H. Keys (I. T. D. 7946-1378-02), David C. Dushane (I. T. D. 2800-03), and Hiram Blackfish (I. T. D. 2840-03), Sallie Holson should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495); and that the applications for the enrollment of Ida M. Holson, Lula B. Holson, William Holson, Samuel Holson, Mollie A. Seabolt and Minnie Russell, as citizens by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716); and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tenn Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

Feb 13 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sallie Holson et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

Sallie Holson et al.,
Mollie A. Seabolt
Minnie Russell,

Cherokee D-106,
Cherokee D-120,
Cherokee D-136.

O R D E R.

It appears from the record in this case that on August 9, 1900, Sallie Holson appeared before this Commission at Sallisaw, Indian Territory, and made application for the enrollment of herself and minor children, Ida M., Lula B., William and Samuel Holson, as citizens by blood of the Cherokee Nation; that on October 2, 1901, Sampson Holson, father of above named minor applicants, appeared before the Commission at Muskogee, Indian Territory, and elected to have said minor applicants enrolled as citizens by blood of the Choctaw Nation; and that, under date of September 21, 1903, this Commission received from the said Sallie Holson, a letter requesting that said above named minor applicants be listed for enrollment as Cherokees by blood.

It further appears that on August 14, 1900, John H. Seabolt appeared before this Commission at Muldrow, Indian Territory, and made application for the enrollment of his wife, Mollie A. Seabolt, as a Cherokee by blood; that on October 2, 1901, the said Mollie A. Seabolt appeared before the Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation; and that, under date of May 5, 1902, this Commission received from the said Mollie A. Seabolt a letter requesting that she be listed for enrollment as a citizen by blood of the Cherokee Nation.

It further appears that on August 16, 1904, George Russell appeared before this Commission at Muldrow, Indian Territory, and made application for the enrollment of his wife, Minnie Russell, as a citizen by blood of the Cherokee Nation; that on October 7, 1901, the said Minnie Russell appeared before this Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation; and that subsequently a letter was received by this Commission, from the said Minnie Russell, requesting that she be listed for enrollment as a citizen by blood of the Cherokee Nation.

The record further shows that after ample time having been afforded the said above named applicants to appear before this Commission and, under oath, re-elect in which Nation they desire to be enrolled, they have failed to do so, and it is, therefore, ordered that this case be closed, and a decision be prepared in conformity to the law applicable to the facts established by the evidence now of record herein.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner

Muskogee, Indian Territory,

X-156

Muskogee, Indian Territory, September 26, 1902.

Minnie Russell,

Gans, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st inst., stating that you desire to be enrolled as a citizen of the Cherokee Nation.

In reply you are advised that it appears from the records of the Commission that on October 2, 1901, at Muskogee, Indian Territory, you stated, under oath, that you elected to be enrolled and take your allotment of lands in the Choctaw Nation, under the following provision of the Act of Congress, approved June 28, 1898:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions and not elsewhere."

In view of the fact that you have already, as above stated, elected to be enrolled as a citizen of the Choctaw Nation, it will be necessary that you appear before the Commission at its office at Muskogee, Indian Territory, for examination under oath, if you now

- 2 -

desire to elect to be enrolled and take your allotment of land in the Cherokee Nation.

You are further advised that you will be allowed fifteen days from date hereof in which to appear before the Commission for the purpose above indicated. If you fail to appear within the time specified, the Commission will proceed to render its decision upon the evidence now of record.

Respectfully,

Reginald Davis Bixby

Acting Chairman.

Register.

Cherokee D 120
Choctaw D 665

Muskogee, Indian Territory, January 11, 1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Mollie A. Seabolt as a citizen by blood of the Cherokee Nation, Cherokee D 120, it appears that this applicant has also been listed for enrollment on Choctaw Card D 665, and that she has elected to be enrolled as a citizen of the Choctaw Nation.

It is requested that the Cherokee Division be advised as to the status of this applicant's claim to enrollment in the Choctaw Nation, and if her name has been placed upon the final roll of Choctaw citizens it is requested that her number on said roll be given, together with the date of the Department's approval thereof.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 136
Choctaw D 666

Muskogee, Indian Territory, January 12, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
Gentlemen:

Receipt is hereby acknowledged of your letter of January 11, asking the status of the enrollment of Minnie Russell as a citizen by blood of the Choctaw Nation, and stating that it appears from your records she is an applicant for enrollment in the Cherokee Nation, her name appearing on Cherokee card D 136, but that she has elected to be enrolled in the Choctaw Nation.

In reply to your letter you are advised that no decision has yet been reached relative to the right of Minnie Russell to enrollment as a citizen by blood of the Choctaw Nation. It does appear, however, that on October 7, 1901, Minnie Russell elected to be enrolled as a citizen of the Choctaw Nation.

Respectfully,

Chairman.

COMMISSIONERS
TAMS BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

7-D-665
7-D-664
7-D-666

ATTENTION ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 28, 1904.

Cherokee Enrollment Division,

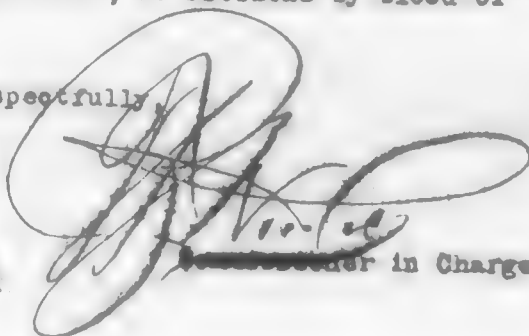
Commission to the Five Civilized Tribes,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, granting the application of Mollie Ann Seabolt, Minnie Russell, Ida May Holson, Lula Belle Holson, William H. H. Holson and Sampson S. N. Holson for enrollment as citizens by blood of the Choctaw Nation.

It appears from the records in possession of the Commission that the names of the applicants herein appear upon the 1896 Cherokee Census roll, Sequoyah District, as citizens by blood of said Nation.

Respectfully,



Commissioner in Charge.

1 inclosure

7-D-665
7-D-664
7-D-666

Cherokee B 103,
B 120 and B 134.

Muskogee, Indian Territory, August 31, 1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

gentlemen:

It appears that the following persons have heretofore been listed for enrollment on doubtful cards as citizens by blood of the Cherokee Nation:

Mollie Ann Seabolt, Minnie Russell, Ida May Holson, Lula Belle Holson, William H. H. Holson and Sampson S. H. Holson.

It further appears that the above named persons have also been listed for enrollment as citizens by blood of the Choctaw Nation, and it is requested that the Cherokee Enrollment Division be advised as to their present status as citizens of said Nation, and if their names have been placed upon the final roll, it is requested that their numbers be given, together with the date of the Department's approval of said roll.

Respectfully,

Chairman.

(C O P Y)

Commissioners
Tams Bixby
Thomas B. N edles
C.R. Breckinridge

7-5762
7-5763
7-5764

Wm. O. Beall, DEPARTMENT OF THE INTERIOR.
Secretary.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Address only the
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, September 7, 1904

Commission to the five Civilized Tribes,

Cherokee Enrollment Division,

Muskogee, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of August 31, 1904, requesting to be advised relative to the enrollment as a citizen by blood of the Choctaw Nation of Mollie Ann Seabolt, Minnie Russell, Ida May Holson, Lula Belle Holson, William H. H. Holson and Sampson S. N. Holson.

You are informed that the enrollment of Mollie Ann Seabolt as a citizen by blood of the Choctaw Nation was approved by the Secretary of the Interior May 9, 1904 and her name appears upon the approved roll of citizens by blood of the Choctaw Nation opposite number 15541.

The enrollment of Minnie Russell as a citizen by blood of the Choctaw Nation was approved by the Secretary of the Interior May 9, 1904 and her name appears upon the approved roll of citizens by blood of the Choctaw Nation opposite number 15540.

The enrollment of Ida May Holson, Lula Belle Holson, William H. H. Holson, and Sampson S. N. Holson as citizens by blood of the Choctaw Nation was approved by the Secretary of the Interior

May 9, 1904 their names appearing on the approved roll of citizens by blood of the Choctaw Nation oposite numbers 15542, 15543, 15544 and 15545 respectively.

Respectfully,

Tams Bixby
Chairman.

COPY.

Cherokee D-108,

120, 124.

Waskagee, Indian Territory, November 11, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Fahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed an order of the Commission dated November 9, 1904, directing that a decision be prepared in the consolidated case of Ballie Nelson, et al., in conformity to the law applicable to the facts established by the evidence now of record in said case.

Respectfully,

SIGNED: *Tams Bixby.*
Chairman.

Incl. S-43.

COPY.

Cherokee D-108
et al.

Muskogee, Indian Territory, February 13, 1908.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1908, granting the application for the enrollment of Sallie Holson, and rejecting the applications for the enrollment of Ida B., Lula B., William, and Samuel Holson, Nellie A. Seabolt and Minnie Russel, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED) *Tams Dixby.*
Chairman.

Encl. L-23.

GOP

Cherokee D-106 et al.

Muskogee, Indian Territory, March 7, 1908.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Nellie Nelson et al., as citizens by blood of the Cherokee Nation, including the Commission's decision, dated February 18, 1908, granting the application for the enrollment of Nellie Nelson, and rejecting the applications for the enrollment of Ida M., Lula B., William, and Samuel Nelson; Nellie A. Seabolt, and Minnie Russell, as citizens by blood of the Cherokee Nation.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

Incl. 1-27.

(SIGNED).

Through the
Commissioner of Indian Affairs.

COPY

Cherokee D-134.

Muskogee, Indian Territory, March 7, 1905.

Minnie Russel,

Gans, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated February 13, 1905, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: *C. R. Breckinridge.*

Commissioner in Charge.

Encl. L-26.

Register.

(C O P Y)

Land
19272-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

March 24, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 7, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Sallie Holson for herself and her minor children, Ida M., Lula P., William and Samuel Holson; by Mollie A. Seabolt for herself and by Minnie Russell for herself.

February 13, 1905, the Commission decided favorably to Sallie Holson and adversely to all the other applicants/

The record shows that on October 2, 1901, Sampson Holson father of the minor applicants appeared before the Commission and elected to have them enrolled as citizens by blood of the Choctaw Nation; that on the same day Mollie A. Seabolt so appeared and elected to be enrolled as a citizen by blood of the Choctaw Nation and that on October 7, 1901, the applicant, Minnie Russell, so appeared and elected to be enrolled as a citizen by blood of the Choctaw Nation.

Thereafter letters were received by the Commission from the applicants, Sallie Holson, Mollie A. Seabolt and Minnie Russell requesting that the minor applicants and Mollie A. Seabolt and

Minnie Russell be listed for enrollment as Cherokees by blood. It further appears that opportunity was afforded the applicants to appear and, under oath, re-elect in which Nation they desired to be enrolled, but no further steps were taken by them. The record further shows that the applicant, Sallie Holson, is a Cherokee by blood; that since birth she has continuously lived within the limits of the Indian Territory and that she is duly identified on the Cherokee Strip payment roll of 1894, and the Cherokee Census roll of 1896. The record further shows that all the other applicants are included in a partial roll of citizens by blood of the Choctaw Nation, approved by the Department May 9, 1904.

In view of the record the approval of the Commission's decision favorable to Sallie Holson and adversely to all the other applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.M.M.

W.

(C O P Y)

D.C. 48235-1905
I.T.D. 3086-1905

Y.P.
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DEPARTMENT OF THE INTERIOR
WASHINGTON.

October 16, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 7, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the applications for the enrollment of Gallie Holson, et al., as citizens by blood of the Cherokee Nation, including its decision of February 13, 1905 granting the application for the enrollment of Gallie Holson, and rejecting the applications for the enrollment of Ida ., Lula ., William and Samuel Holson, Mollie . Seabolt, and Minnie Russel.

Reporting March 24, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and said decision is hereby affirmed.

Respectfully,

(Signed) E. . HITCHCOCK
Secretary

1 inclosure.

COPY

Cherokee
D--136

Muskogee, Indian Territory, October 31, 1905.

Minnie Russell,

Ganns, Indian Territory.

Dear madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 16, 1905.

Respectfully,

GHL

SIGNED:

Tam C. Sibley
Commissioner.

Cherokee D-105,
120, and 136.

COPY.

Muskogee, Indian Territory, October 31, 1905.

W. V. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes granting the application of Sallie Holson for the enrollment of herself, and rejecting her application for the enrollment of her four minor children, Ida M., Lula B., William, and Samuel Holson, and rejecting the applications for the enrollment of Minnie Russell, and Mollie A. Seabolt, was affirmed by the Secretary of the Interior on October 16, 1905.

A copy of Departmental letter is inclosed you herewith.

Respectfully,

Tame Bixby.
Commissioner.

Incl. HL-80.
GHL

974

(100)

Department of the Interior.
Commission to the Five Civilized Tribes.

Minnie Russell

OF NIND.

ACTION APPROVED BY SECRETARY OF INTERIOR

OCT 16 1905

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*Transferred from Spec
No. 136*

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Cher R 975

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MULDROW, I.T., AUGUST 14, 1900.

In the matter of the application of John E. Seabolt for enrollment of himself and wife as citizens of the Cherokee Nation, said Seabolt being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A John E. Seabolt.
Q Your age? A 28.
Q Your postoffice? A Ganns.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood? A Yes.
Q Whom do you apply for? A For myself and wife.
Q What is your father's name? A Jeremiah M. Seabolt.
Q Is he living? A Yes.
Q Cherokee citizen by blood? A Yes.
Q What is the name of your mother? A Penelope.
Q Is she living? A Yes.
Q What district do you live in? A Sequoyah.
Q How long have you lived in Sequoyah district? A All my life.
Q Are you married? A Yes.
Q What is your wife's name? A Willie A.
Q Is she a citizen by blood? A Yes.
Q What is her maiden name? A Holson.
Q What is her father's name? A Sam Holson.
Q Is he living? A Yes.
Q What is her mother's name? A Sallie Holson.
Q Is she living? A Yes.
Q Have you certificate of marriage? A Yes.
Q What is the date of your marriage to Willie Holson? A February 11, 1900.
Q How long has your wife lived in the Cherokee Nation? A I don't know exactly how long; she was born on the Choctaw side.
Q Was her mother a Choctaw? A No sir, Cherokee.
Q Has she always lived in the Cherokee Nation? A No sir, she lived in the Choctaw Nation, but has always lived in the Indian Territory.
Q Is she living in the Cherokee Nation now? A Yes.
Q Where was she living when you married her? A In the Cherokee Nation.
Q Do you know how long she had been living in the Cherokee Nation when you married her? A 7 or 8 years.

Applicant on '80 roll, page 722, number 1255;
~~Applicant on '80 roll, page 722, number 1255;~~

By Mr. Hastings: Cherokee Representative:

- Q Does your wife's father live in the Choctaw Nation? A Yes.
Q Did he exercise the right of suffrage there? A Yes, I guess he did.
Q Was your wife a citizen of the Choctaw Nation? A Yes.
Q By the Commission:
Q Is your wife's mother a Cherokee citizen? A Yes.
Q Your wife's people were likely living in the Choctaw Nation in '80? A Yes.
Q Did your wife ever apply down there for enrollment to the Commission? A I don't know; I don't think she did.
Q Does her father and mother live down there yet? A Her father lives down there and her mother lives upon here.
Q Were they separated? A Yes.
Q Your wife and her mother were admitted to citizenship in the

Cherokee Nation? A Yes.

Q Have you any certificate of their admission? A No sir.

Q Do you know whether your wife or your wife's mother were ever admitted by act of Council? A I don't know.

Q Did they ever apply to the Dawes Commission for citizenship?

A I don't know.

By Mr. Hastings, Cherokee Attorney:

Q Do you know where your wife was born? A I don't know whether it was in the Choctaw Nation or over here--- Choctaw Nation I guess.

Q She lived in the Choctaw Nation until (her mother) was separated from her father and moved back here? A Yes.

Q How long ago has it been since she moved back here? A I don't know

Q Did your wife draw strip money in '94? A Yes, I think so.

Q Is she on the '96 roll? A I guess she is.

Applicant's wife on '96 roll, page 1073, number 672, as Hol-

son.

On '94 roll, page 964, number 719, as Holston.

J. E. GUNTER, being sworn, testified:

Q What is your name? A J. E. Gunter.

Q What is your age? A 54.

Q Your postoffice? A Muldrow.

Q Are you a Cherokee citizen by blood? A Yes.

Q Do you know ~~Sallie~~ Sallie Holson? A Yes.

Q How long have you known her? A About 20 years.

Q What citizenship is she by blood? A She is a Cherokee.

Q Do you know her daughter, Mollie A? A No sir, I don't know her.

Q What was Mrs. Holson's maiden name? A Gann.

Q To whom was she related? A She was related to the McCoy's.

Q Did she have any brothers or sisters? A Yes, Swinnie Gann, Tom Gann and Charlie Gann.

Q What was her father's name? A George Gann.

Q Was he an adopted citizen? A No sir, Cherokee.

Q Do you know where Sallie Holson was born? A No sir.

Q Do you know whether she ever lived in the Cherokee Nation or not of your own personal knowledge? A Yes.

Q Where did she live? A Near Foreman postoffice.

Q She married a Choctaw and moved to the Choctaw Nation? A Yes.

Q And lived there until a few years ago? A I don't know.

Q Where did she live in '80? A I don't know.

JOHN FAULKNER, being sworn, testified as follows:

(By Mr. Hastings, Cherokee Attorney:)

Q What is your name? A John Faulkner.

Q Your age? A 53.

Q Your postoffice? A Muldrow.

Q Are you a citizen of the Cherokee Nation by blood? A Yes.

Q Do you know Sallie Holson? A Yes.

Q What was her maiden name? A Gann.

Q Do you know where she was born? A No sir.

Q Did she ever live in the Cherokee Nation? A Yes she was here a good many years ago and she is here now I guess.

Q Do you know where she went to? A To the Choctaw Nation I understand.

Q How long did she live in the Choctaw Nation? A I don't recollect it has been over 20 years since she went there and I think she came back about the time of the strip-payment and been living here ever since is my understanding.

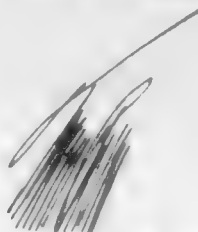
Applicant on '96 roll, page 1098, number 1287, as John Ellis Seabolt.

The name of John E. Seabolt appearing upon the authenticated roll of '80 as well as the census roll of '96, and satisfactory proof having been made as to his residence, and being fully identified according to page and number as designated in the testimony, he will be duly listed for enrollment as a Cherokee citizen by blood. The name of his wife, Mollie A. Seabolt, formerly, Mollie Holson, ~~whose~~ name is found upon the census roll of '96 and pay-roll of '94, duly identified as per page and number of the rolls as indicated in the testimony. Neither her name nor the name of her mother is found upon the roll of '80. Testimony shows that her mother removed to the Choctaw Nation over 20 years ago and married a Choctaw citizen, and that his wife, her daughter, the wife of said John E. Seabolt, was born in the Choctaw Nation, but removed to the Cherokee nation about the year '94. No proof having been adduced showing that the said Mary A. Seabolt or her mother, Sallie Holson, were admitted to citizenship in the Cherokee nation, judgment as to the enrollment of Mollie A. Seabolt, wife of John E. Seabolt and daughter of Sallie Holson, will be suspended and her name placed upon a doubtful card. A certificate of marriage and marriage license is presented showing that the said John E. Seabolt was married to the said Mollie Holson under the laws of the United States upon the 13th day of February, 1900.

The undersigned, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above named case, and that the foregoing is a full, true and correct transcript of his ~~steno~~ stenographic notes thereof.

J. Brown McQuinn

Subscribed and sworn to before me this 1st day of September, 1900.



Commissioner.

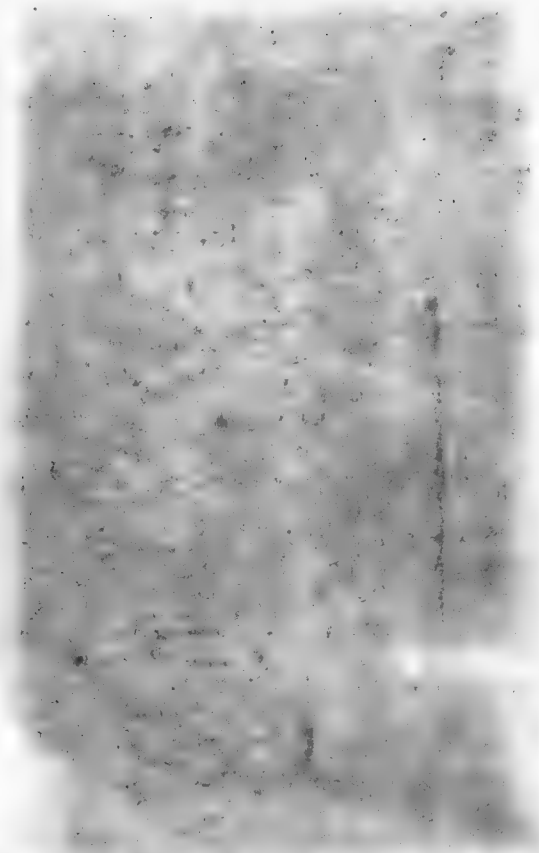
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 6 1900

[Signature]
ACTING CHAIRMAN



CHEROKEES BY BLOOD AND ADOPTION.

Date

AUG 14 1900

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

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Age

in full on August 14 1900

13 -
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 14 1900

[Handwritten signature]

ACTING SECRETARY

COMMISSION TO THE FREE CIVILIZED TRUTHS.

FILED

FEB 23 1992

Commissioner.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

I, Charles A. Davidson, Clerk of the United States Court in the North-
ern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for
record in my office the 13 day of February 1900, at xxx M., and duly
recorded in Book I, Marriage Record, Page 302.

WITNESS my hand and seal of said Court at Muskogee, in said Territory,
this 30 day of March, A. D. 1900.

Chas. A. Davidson. Clerk.

By _____ Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., February 6, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of
the original offered in evidence in the matter of the application for enrollment of _____

John E. Seabolt as a citizen of the Cherokee Nation.


Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 23 1902

MARRIAGE LICENSE.

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, } ss.
 NORTHERN DISTRICT.

No. 48

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between
 Mr. John E. Seabolt, of Hanson, in
 the Indian Territory, aged 28 years, and Miss Mollie Holson,
 of Hanson, in the Indian Territory, aged 21 years,
 according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this 8th day of

February A. D. 1900

Seal.

Chas. A. Davidson
 Clerk of the U. S. Court.

By P. M. Ford Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, }
 INDIAN TERRITORY, } ss.
 NORTHERN DISTRICT,

I, Evan B. Evans, a Minister of the Gospel, Do HEREBY CERTIFY,
 that on the 11 day of February, A. D. 1900, I did duly and
 according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans
 of Matrimony between the parties therein named.

WITNESS my hand this 11th day of February A. D. 1900

My credentials are recorded in the office of the Clerk of the United States Court, Indian Ter-
 ritory, Northern District, Book R, Page 91.

Evan B. Evans
 A Minister of the Gospel.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

I, Charles A Davidson, Clerk of the United States Court in the North-
ern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for
record in my office the 13 day of February 1900, at 189x M., and duly
recorded in Book I, Marriage Record, Page 302.

WITNESS my hand and seal of said Court at Muskogee, in said Territory,
this 30 day of March, A. D. 1900.

Chas. A. Davidson. Clerk.

By _____ Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., February 6, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of
the original offered in evidence in the matter of the application for enrollment of

John E. Seabolt as a citizen of the Cherokee Nation.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1902

C O P Y.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T. October 2, 1901.

In the matter of the application of Mollie Ann Seabolt for enrollment as a citizen by blood of the Choctaw Nation.

Mollie Ann Seabolt being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mollie Ann Seabolt.
Q What is your age? A 22.
Q What is your post office address? A Hanson.
Q Is that in the Indian Territory? A Yes sir.
Q In what Nation? A Cherokee Nation.
Q What is the name of your father? A Sam Holson.
Q Is he living? A Yes sir.
Q What is the name of your mother? A Sallie Holson.
Q Is she living? A Yes sir.
Q Is your father a citizen by blood of any Nation in Indian Territory? A Choctaw Nation.
Q Is he a recognized citizen of the Choctaw Nation? A Yes sir.
Q Is your mother a citizen of any nation in Indian Territory? A Cherokee.
Q Is your mother a recognized citizen by blood of the Cherokee Nation? A Yes sir.
Q Does her name appear upon the tribal rolls of the Cherokee Nation? A Yes ~~sir~~ I guess it does.
Q Do you know whether her name appears upon the tribal rolls of the Cherokee Nation? A No sir.
Q Where were you born? A In the Choctaw Nation? A
Q Near what place, do you know? A No sir I cant tell you that. It was in Sugar Loaf County tho'.
Q How long did you live in the Choctaw Nation? A Until I was fifteen I think; I'm not sure; I think I was fifteen.
Q Do you know whether or not your name appears upon any of the tribal rolls of the Choctaw Nation? A No sir I dont know; never saw any of the rolls.

The name of Mollie Holson, 15 years of age appears upon page 32 of the 1893 pay roll of the lease district payment Sugar Loaf County Choctaw Nation and it appears from the record thereof that she was paid the sum of \$103.00.

- Q Where does your mother now reside? A Gann in the Cherokee Nation.
Q Have she and your father been divorced? A Yes sir.
Q Do you know when they were divorced? A No sir.
Q Where were your father and mother living at the time of the divorce? A Well papa was living in the Choctaw Nation and mama was living in the Cherokee Nation.
Q Where were you living at that time? A In the Cherokee Nation.
Q With whom were you living? A Mama.
Q You are now married are you? A Yes sir.
Q To whom are you married? A John Ellis Seabolt.
Q Did you live in the Cherokee Nation with your mother after she was divorced from your father until the time you were married?
A Yes sir.

- Q From the time your father and mother were divorced up to the time that you were married your mother had the care of you?
- A Yes sir.
- Q Did you ever make application to the tribal authorities for enrollment as a citizen of the Cherokee Nation? A No sir.
- Q Did you or anyone else in your behalf ever draw any money in the Cherokee Nation as a citizen by blood of the Cherokee Nation?
- A Yes we drew the money; I guess it must have been in the Cherokee Nation or we wouldn't have got it.
- Q Did your mother draw the money for you? A Yes sir.
- Q How much did you receive? A Well there was \$265 and some cents but I forget what the cents was.
- Q Did you receive that \$265, and the "some cents" that you speak of? A Yes sir.
- Q Was this money paid to you personally or to your mother? A It was to mama.
- Q In what year did you receive it? A '94 I believe it was.
- Q At what place? A At the court house in Sequoyah District.
- Q Did you ever make application for enrollment to the Commission to the Five Civilized Tribes? A Last summer was the only time
- Q You made application last summer? A Yes sir.
- Q At what place? A Salisaw and went to Muldrow too.
- Q That was in the summer of 1900? A Yes sir.
- Q Did you ever receive any decision from the Commission to the Five Civilized Tribes as to your application for enrollment as a citizen of the Cherokee Nation? A No sir.
- Q Are you advised that the act of Congress approved June 28, 1898 provides that: "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right but if he fail or refuse to make such selection in due time, he shall be enrolled ~~with~~ in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere"? A I dont know anything about any such provision of law.
- Q If it should be found that you have been recognized and duly enrolled by the tribal authorities as a citizen of both the Choctaw and Cherokee Nations as a citizen of what nation do you now elect to be enrolled and take your allotment of lands and distribution of money? A Choctaw.
- Q The decision of the Commission relative to your application for enrollment as a citizen by blood of the Choctaw Nation will be mailed to you at your present post office address as given in your testimony.

Clara Mitchell Wood being first duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 2nd day of October 1901 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood.

Subscribed and sworn to before me this 3rd day of October, 1901.

J. S. Dodson,
Notary Public.

I, Albert G. McMillan, stenographer to the Commission to the Five Civilized Tribes, on oath state that the foregoing is a full and correct copy of the testimony taken in the matter of the application of Mollie Ann Seabolt for enrollment as a citizen by blood of the Choctaw Nation.

Albert G. McMillan

Subscribed and sworn to before me this 4th day of October, 1901.

J. D. Edson
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

P. 773

In the matter of the application for the enrollment of
Sallie Holson et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

Sallie Holson, et al.,	Cherokee D-105.
Mollie A. Seabolt,	Cherokee D-120.
Minnie Russell,	Cherokee D-136.

--:-

D E C I S I O N.

The record herein shows that applications for enrollment as citizens by blood of the Cherokee Nation were made to this Commission by Sallie Holson for herself and minor children, Ida M. Holson, Lula B. Holson, William Holson and Samuel Holson; by John E. Seabolt for himself and wife, Mollie A. Seabolt; and by George Russell for himself and wife, Minnie Russell. As the applicants John E. Seabolt and George Russell have been heretofore disposed of, and their names now appear upon a partial roll of citizens by blood of the Cherokee Nation, duly approved by the Secretary of the Interior, they will not be embraced in this decision.

From the records in the possession of this Commission it further appears that on October 2, 1901, Sampson Holson, the father of the above named minor applicants, appeared before this Commission at Muskogee, Indian Territory, and elected to have said above named minor applicants enrolled as citizens by blood of the Choctaw Nation; that on October 2, 1901, the applicant, Mollie A. Seabolt, appeared before this Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation; and that on October 7, 1901, the applicant Minnie Russell, appeared before this Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation. Thereafter, letters were received by this Commission from the applicants Sallie Holson, Mollie A. Seabolt and Minnie Russell, respectively, requesting that the above named minor applicants and the said Mollie A. Seabolt and Minnie Russell, be listed for enrollment as Cherokees by blood. Whereupon, further time was granted said applicants to appear before this Commission and, under oath, re-elect in which Nation they desired to be

enrolled, and upon their failure to so appear and elect, this case was ordered closed.

The evidence herein shows that the applicant, Sallie Holson, is a Cherokee by blood; that since birth she has continuously lived within the limits of the Indian Territory, the major portion of her life having been spent in the Cherokee Nation, and that she is duly identified on the Cherokee Strip payment roll of 1894, and the Cherokee census roll of 1896.

The evidence further shows that the applicants, Ida M. Holson (Ida May Holson), Lula B. Holson (Lula Belle Holson), William Holson (William H.M. Holson), Samuel Holson (Samuel S.M. Holson), Mollie A. Seabolt (Mollie Ann Seabolt), and Minnie Russell, are included in a partial roll of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior May 9, 1904, at Nos. 15540, 15541, 15542, 15543, 15544 and 15545, respectively.

Section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Ezekiel C. McGlaughlin (I.T.D. 7538-02), Mary J. Williston (I.T.D. 7539-02), Sarah H. Murphy (I.T.D. 1106-03), Samuel H. Keys (I.T.D. 7945-1376-02), David C. Dushane (I.T.D. 2800-03), and Abram Blackfish (I.T.D. 2840-03), Sallie Holson should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 26, 1896 (30 Stat., 495); and that the applications for the enrollment of Ida M. Holson, Lula B. Holson, William Holson, Samuel Holson, Mollie A. Seabolt and Minnie Russell, as citizens by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716); and it is so ordered.

— COMMISSION TO THE FIVE CIVILIZED TRIBES.

Wm. Tams Dixey.

Chairman

T. E. Miller

Commissioner

C. R. Anderson

Commissioner

Muskogee, Indian Territory,

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sallie Holson et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

Sallie Holson et al.,	Cherokee D-105,
Mollie A. Seabolt	Cherokee D-120,
Minnie Russell,	Cherokee D-136.

O R D E R.

It appears from the record in this case that on August 9, 1900, Sallie Holson appeared before this Commission at Sallisaw, Indian Territory, and made application for the enrollment of herself and minor children, Ida M., Lula S., William and Samuel Holson, as citizens by blood of the Cherokee Nation; that on October 2, 1901, Sampson Holson, father of above named minor applicants, appeared before the Commission at Muskogee, Indian Territory, and elected to have said minor applicants enrolled as citizens by blood of the Choctaw Nation; and that, under date of September 21, 1903, this Commission received from the said Sallie Holson, a letter requesting that said above named minor applicants be listed for enrollment as Cherokee by blood.

It further appears that on August 14, 1900, John E. Seabolt appeared before this Commission at Muldrow, Indian Territory, and made application for the enrollment of his wife, Mollie A. Seabolt, as a Cherokee by blood; that on October 2, 1901, the said Mollie A. Seabolt appeared before the Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation; and that, under date of May 5, 1902, this Commission received from the said Mollie A. Seabolt a letter requesting that she be listed for enrollment as a citizen by blood of the Cherokee Nation.

It further appears that on August 16, 1904, George Russell appeared before this Commission at Muldrow, Indian Territory, and made application for the enrollment of his wife, Minnie Russell, as a citizen by blood of the Cherokee Nation; that on October 7, 1901, the said Minnie Russell appeared before this Commission at Muskogee, Indian Territory, and elected to be enrolled as a citizen by blood of the Choctaw Nation; and that subsequently a letter was received by this Commission, from the said Minnie Russell, requesting that she be listed for enrollment as a citizen by blood of the Cherokee Nation.

The record further shows that after ample time having been afforded the said above named applicants to appear before this Commission and, under oath, re-elect in which Nation they desire to be enrolled, they have failed to do so, and it is, therefore, ordered that this case be closed, and a decision be prepared in conformity to the law applicable to the facts established by the evidence now of record herein.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner

Muskogee, Indian Territory,

(COPY)

D-120

Hansen, I. T., 5/10/02.

Cherokee Dawes Commission,

Dear Sirs:

I will write you a few lines to let you know that I want to be enroled as a Cherokee citizen as my mother and sisters and brothers was enroled as Cherokee citizens. My mother's name is Sallie Holson. Let me hear from you soon.

Mollie A. Seabolt.

SENATE FILE
TAMM FILE
THOMAS D. NEEDLE
K. H. B. B. B. B. B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

D-120

(C O P Y)

Muskogee, Indian Territory, May 22, 1902.

Mollie S. Seabolt,

Hanson, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th inst. stating that you desire to be enrolled as a citizen of the Cherokee Nation.

In reply you are advised that it appears from the records of this Commission that on October 2, 1901, at Muskogee, Indian Territory, you stated under oath that you elected to be enrolled and take your allotment of lands and distribution of money in the Choctaw Nation under the following provision of the act of Congress approved June 28, 1898:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he make take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe in which he has resided, and there be given such allotment and distributions, and not elsewhere."

In view of the fact that you have already, as above stated, elected to be enrolled as a citizen of the Choctaw Nation it will be necessary that you appear before the Commission at its offices in Muskogee, Indian Territory, for examination, under oath, if you so desire to elect to be enrolled and take your allotment of land and distribution of moneys in the Cherokee Nation.

COPIED
You are advised that you will be given thirty days from the date hereof in which to appear before the Commission for the purpose above indicated. If you fail to appear within the time specified the Commission will proceed to render its decision upon the evidence now of record.

Yours truly,

Tom Bixby,

Commissioner in Charge
Acting Chairman.

Registered.

VALLEY TOWN

Cherokee B 103,
B 120 and B 130.

Muskogee, Indian Territory, August 21, 1904.

Commission to the Five Civilized Tribes,
Chester-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

It appears that the following persons have heretofore been listed for enrollment on doubtful cards as citizens by blood of the Cherokee Nation:

Mellie Ann Seabolt, Minnie Russell, Ida May Nelson, Lula Belle Nelson, William H. H. Nelson and Sampson S. F. Nelson.

It further appears that the above named persons have also been listed for enrollment as citizens by blood of the Cheatew nation, and it is requested that the Cherokee Enrollment Division be advised as to their present status as citizens of said Nation, and if their names have been placed upon the final roll, it is requested that their numbers be given, together with the date of the Department's approval of said roll.

Respectfully,

Chairman.

COPY.

Cherokee D-105,

120, 136.

Muskogee, Indian Territory, November 11, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed an order of the Commission dated November 9, 1904, directing that a decision be prepared in the consolidated case of Ballie Nelson, et al., in conformity to the law applicable to the facts established by the evidence now of record in said case.

Respectfully,

Incl. 8-42.

SIGNED:

Tams Dixby.
Chairman.

COPY:

Cherokee D-105
et al.

Muskogee, Indian Territory, February 13, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, granting the application for the enrollment of Sallie Holson, and rejecting the applications for the enrollment of Ida M., Lula M., William, and Samuel Holson, Mollie A. Seabolt and Minnie Russel, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. L-23.

SIGNED. *Tams Bixby.*
Chairman.

COPY.

Cherokee D-108 et al.

Muskogee, Indian Territory, March 9, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Sallie Nelson et al., as citizens by blood of the Cherokee Nation, including the Commission's decision, dated February 13, 1905, granting the application for the enrollment of Sallie Nelson, and rejecting the applications for the enrollment of Ida M., Lula B., William, and Samuel Nelson; Nellie A. Seabolt, and Minnie Russell, as citizens by blood of the Cherokee Nation.

Respectfully,

SIGNED.

C. R. Brockinridge.

Commissioner in Charge.

Encl. 1-27.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee D-120.

Muskogee, Indian Territory, March 7, 1906.

Hollie A. Seabolt,
Gane, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated February 13, 1906, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the secretary of the Interior for his review and decision. The action of the secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

C. R. Breckinridge.
Commissioner in Charge.

Encl. 1-25.

Register.

(COPY)

Land
19272-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

March 24, 1906

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 7, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Gailie Holson for herself and her minor children, Ida M., Lula M., William and Samuel Holson, by Mollie A. Seabolt for herself and by Minnie Russell for herself.

February 13, 1906, the Commission decided favorably to Gailie Holson and adversely to all the other applicants/

The record shows that on October 2, 1901, Sampson Holson father of the minor applicants appeared before the Commission and elected to have them enrolled as citizens by blood of the Choctaw Nation; that on the same day Mollie A. Seabolt so appeared and elected to be enrolled as a citizen by blood of the Choctaw Nation and that on October 7, 1901, the applicant, Minnie Russell, so appeared and elected to be enrolled as a citizen by blood of the Choctaw Nation.

Thereafter letters were received by the Commission from the applicants, Gailie Holson, Mollie A. Seabolt and Minnie Russell requesting that the minor applicants and Mollie A. Seabolt and

Minnie Russell be listed for enrollment as Cherokees by blood. It further appears that opportunity was afforded the applicants to appear and, under oath, re-elect in which Nation they desired to be enrolled, but no further steps were taken by them. The record further shows that the applicant, Sallie Holson, is a Cherokee by blood; that since birth she has continuously lived within the limits of the Indian Territory and that she is duly identified on the Cherokee Strip payment roll of 1894, and the Cherokee Census roll of 1896. The record further shows that all the other applicants are included in a partial roll of citizens by blood of the Choctaw Nation, approved by the Department May 9, 1904.

In view of the record the approval of the Commission's decision favorable to Sallie Holson and adversely to all the other applicants is recommended.

Very respectfully,

C. W. Larrabee

Acting Commissioner

W. H. H.

1.

(C O P Y)

D.S. 48215-1905
I.T.D. 3086-1905

Y.P.
FHE

L R S

DEPARTMENT OF THE INTERIOR
WASHINGTON.

October 16, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 7, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the applications for the enrollment of Gallie Holson, et al., as citizens by blood of the Cherokee Nation, including its decision of February 13, 1905 granting the application for the enrollment of Gallie Holson, and rejecting the applications for the enrollment of Ida ., Lula ., William and Samuel Holson, Mollie ., Seabolt, and Annie Russell.

Reporting March 24, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and said decision is hereby affirmed .

Respectfully,

(Signed) E. A. HITCHCOCK
Secretary

1 inclosure.

Cherokee
D--120

COPY.

Muskogee, Indian Territory, October 31, 1905.

Mollie A. Seabolt,
Gains, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on October 16, 1905.

Respectfully,

GHL

SIGNED:

James L. Doby.
Commissioner.

Cherokee D-106,
120, and 136.

COPY.

Muskogee, Indian Territory, October 31, 1906.

W. V. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes granting the application of Sallie Holson for the enrollment of herself, and rejecting her application for the enrollment of her four minor children, Ida W., Lula B., William, and Samuel Holson, and rejecting the applications for the enrollment of Winnie Russell, and Nellie A. Seabolt, was affirmed by the Secretary of the Interior on October 16, 1906.

A copy of Departmental letter is inclosed you herewith.

Respectfully,

SIGNED:

Tams Dixby.
Commissioner.

Incl. GL-80.
GHL

HEROKEE

R 975

Department of the Interior.

Mollie A. Seabolt

975

DENIED.

R

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 16 1905

*Transferred from Laker.
No 121*

Cher R 976

Trans from Cher D 968

See Cher 10858

Cher R 976

C. F. B.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
MARTHA J. MCCOY
as a citizen by intermarriage of the Cherokee Nation.

CHEROKEE D 968.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, T. O., December 14, 1966.

In the matter of the application of James Willis McCoy for the enrollment of himself, wife and children as German citizens; and being examined by Commissioner Brookbridge he testified as follows:

[illegible]

James Willis McCoy et al 2

Con'r Brockington: The applicant applies for the enrollment of him self, his wife and three children; he is identified on the roll of 1896 as a native Cherokee; he states that he was admitted to citizenship in 1887 by the Cherokee Commission on citizenship, and that he has lived in the Cherokee Nation for now something more than 7 years; he has not at present a copy of his certificate of admission, and he will be listed for enrollment as a Cherokee by blood on a doubtful card, to await an official copy of the records of the Cherokee Commission admitting him; he states that he and his wife were married some 16 years ago, prior to his admission to citizenship in 1887; that she has lived with him ever since, they were married; that neither was previously married; ~~that~~ and that they have never re-married since his admission to citizenship; he thinks she is named on the certificate of admission; she is identified with him on the roll of 1896; she is a white woman; she will now be listed for enrollment as a Cherokee by adoption on a doubtful card, to await official evidence of the applicant's admission and to consider the question of her status under the conditions stated; that three children named in the testimony are all duly identified on the roll of 1896 with their parents; they are living, and they will be listed now for enrollment as Cherokees by blood, on a doubtful card, to await an official copy of their father's admission, as stated; the applicant is desired also to supply the Commission with an official copy of his marriage license and certificate, which he states he can procure by writing back to Georgia.

W. J. Green being first duly sworn, testifies that as clerk to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this 15th day of June, 1900.

W. J. Green

Notary Public.

FILED COPY SENT -
NOT AVAILABLE

OFFICE OF THE SECRETARY OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.
FILED
DEC 15 1900

ACTING CHAIRMAN

R.

C. D-968.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of James W. McCoy for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 25, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskegee, I. T., on the 13th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 13th day of March, 1902, been called, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

JOR

Cherokee D-200.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE LAND OFFICE.

Tahlequah, I. T., January 11, 1905.

In the matter of the application of James W. McCoy for the enrollment of himself, his children, William M., Lela F. and Sina A. McCoy as citizens by blood and his wife, Martha J. as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

James W. McCoy, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A James W. McCoy.
Q How old are you? A 38 years old.
Q What is your postoffice? A Ballard.
Q Are you a Cherokee by blood? A Yes sir.
Q Was your postoffice Siloam Springs, Arkansas, when you enrolled?
A Yes sir.
Q Was your wife named Martha J. McCoy? A Yes sir.
Q You have just executed an affidavit as to her death on August 1, 1901? A Yes sir.
Q Are you married now? A Yes sir.
Q Is your present wife a citizen? A No sir.
Q Have you children? William M., Lela F. and Sina A.? A Yes sir.
Q Are they living? A Yes sir.
Q You were admitted to citizenship in the Cherokee Nation, were you? A Yes sir.
Q Do you remember in what year? A No sir, I don't.
Q Were any of your children admitted with you? A Yes sir, the oldest, William M.

It is shown by a list of persons admitted and re-admitted to Cherokee citizenship by the National Council and Commissions on citizenship in the year 1880 and since that year that the names of James W. and William M. McCoy are embraced in said list as having "Been admitted by Com. June 1, '88".

- Q Have you resided in the Cherokee Nation continuously since your admission in 1888? A I have been here since the year before the strip money was paid out. My citizenship was proved up and I came here.
Q Have you resided here continuously since that time? A Been here ever since; made it my home.
Q Were your children, Lela F. and Sina A. born since you were admitted? A Yes sir.
Q Are William M., Lela F. and Sina A. all your children by your

Cher. D-986.

wife, Martha J. McCoy? A Yes sir.

Q Prior to the time you mention as having come to the Cherokee Nation, were you ever in the Cherokee Nation? A No sir. I came when my rights were proved.

I, May Hudson, state upon oath that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the supplemental testimony in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

May Hudson.

Subscribed and sworn to before me this 11th day of January, 1905.

Samuel Freeman.
Notary Public.

FILED
JAN 18 1905
COMMISSIONER TO FIVE TRIBES.

H.P. 988

IN RE
THE DEATH OF

Martha J. McCoy

a citizen of the

Cherokee

Nation

Approved

January 12 1905

C. R. Burtin

Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

January 27 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Martha J. McCoy
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Ballard Ind. Ter., and died on the 1 day of
(Here insert name of postoffice.)
August 1901

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

DISTRICT.

I, James W. McCoy, on oath state that I am 38
years of age and a citizen, by blood of the Cherokee Nation;
that my postoffice address is Ballard Ind. Ter.; that I was
(Here insert name of postoffice.)
husband of Martha J. McCoy
(State relationship as: the father, an uncle, a cousin, etc.)
who was a citizen, by adoption of the Cherokee Nation;
and that said Martha J. McCoy died on the 1 day of
(Here insert name of deceased.)
August 1901 James W. McCoy

WITNESSES TO MARK

(Must be Two Witnesses.)

Subscribed and sworn to before me this

11

day of

January1905Samuel Foreman

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

DISTRICT.

I, _____, on oath state that I am _____
years of age, and a citizen by _____ of the _____ Nation;
that my postoffice address is _____ Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with _____
(Here insert name of deceased.)
who was a citizen, by _____ of the _____ Nation;
and that said _____ died on the _____ day of
(Here insert name of deceased.)

WITNESSES TO MARK

(Must be Two Witnesses.)

Subscribed and sworn to before me this

day of

190

Notary Public.

C.7.B.

Cherokee D 968

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Martha J. McCoy as a citizen by intermarriage of the Cherokee
Nation.

-:-

O R D E R .

THE RECORDS OF THIS OFFICE SHOW: That, at Tahlequah,
Indian Territory, on December 14, 1900, James Willis McCoy ap-
peared before the Commission to the Five Civilized Tribes and made
application for the enrollment, among others, of his wife, Martha
J. McCoy, as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the said Martha
J. McCoy died on the first day of August, 1901.

Section twenty-five of the Act of Congress approved July
1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall
be made as of September first, nineteen hundred and two,
and the names of all persons then living and entitled to
enrollment on that date, shall be placed on said roll by
the Commission to the Five Civilized Tribes."

IT IS THEREFORE ORDERED: That, under the provisions
of the law above noted, the application for the enrollment of
Martha J. McCoy as a citizen by intermarriage of the Cherokee Na-
tion, should be, and the same is, hereby dismissed, without prejudice.


COMMISSIONER

Dated at Muskogee, Indian Territory,

this SEP 29 1905

REFER TO ONLY TO THE FOLLOWING:
Cherokee D-968.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 29, 1905.

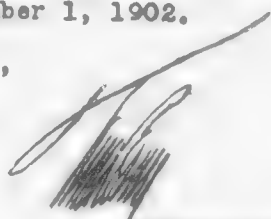
James W. McCoy,

Siloam Springs, Arkansas.

Dear Sir:

There is herewith inclosed a copy of an order of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, dismissing the application for the enrollment of your wife, Martha J. McCoy, as a citizen by intermarriage of the Cherokee Nation, she having died prior to September 1, 1902.

Respectfully,



Commissioner,

LS
Incl. S-86
Register

Cher R 977

Trans from Cher D 345

Trans to Cher 10987

Cher R 977

Cher R 978

Trans from Cher D 347
cancelled and Trans to Cher 10988

Cher R 979

Trans from Cher D 7495

Cher R 978-979

Cher R 980

Trans from Cher D 1516

Cher R 980

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MULDROW, I.T., AUGUST 16, 1900.

In the matter of the application of Emily Fargo for enrollment as a citizen of the Cherokee Nation, said Emily Fargo being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Emily Fargo.
Q Your age? A 21.
Q Your postoffice? A Muldrow.
Q Are you a recognized citizen of the Cherokee Nation? A yes.
Q By blood? A yes.
Q What district do you live in? A Sequoyah.
Q How long have you lived there? A Since '79.
Q What is your father's name? A Charley.
Q Is he living? A Yes.
Q What is your mother's name? A Narcis.
Q Is she living? A No sir.
Q Are you married? A No sir.
Q Just want to enroll yourself? A yes.
On '80 roll, page 696, number 504, as Emily Fargo.
On '96 roll, page 1069, number 570, as Emily Fargo.

The name of Emily Fargo appearing upon the authenticated roll of '80 as well as the census roll of '96, she being ~~fully~~ fully identified upon the rolls according to page and number as indicated in the testimony, she is duly listed for enrollment as a Cherokee citizen by blood.

The undersigned, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony in the above named case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Brown McVernon

Subscribed and sworn to before me this 5th day of September, 1900.

[Signature]

Commissioner.

A

1516

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 18 1900

[Signature]

JOHN W. HUGHMAN

[Vertical signature]

B

1471

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 18 1900

[Handwritten signature]

Muskogee, Indian Territory, January 13, 1902.

Miss Emily Fargo,

Muldrow, Indian Territory.

Dear Madam:

Upon an examination of the records of the Commission it appears that you were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896 (29 Stats. 321).

It further appears that you are a Cherokee Indian; that your name appears upon the Cherokee roll of 1880, as well as the Census Roll of 1896; that you appeared before the Commission on the 16th day of August, 1900, and made application to be enrolled as a citizen of the Cherokee Nation, and that you were so listed.

The Act of Congress approved June 28, 1896, provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

In view of the provision of law herein quoted you will be given thirty days in which to appear before the Commission at its general offices in Muskogee, Indian Territory, and elect in which

Miss E. F.—/E.

of said Nations, the Cherokee or Choctaw, you desire to be finally enrolled.

Upon your failure to comply with the request made, the Commission will proceed to enroll you in the tribe with whom you reside.

Yours truly,

Commissioner in Charge.

Cherokee No. 1516.

Register.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY, FEBRUARY 19, 1902.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Emily Fargo, and her right to elect to be so enrolled under the provisions of the twenty first section of the Act of Congress of June 26, 1896.

Examination by the Commission.

- Q What is your name? A Emily Fargo.
Q How old are you? A Twenty three.
Q What is your post office address? A Maudrew.
Q Maudrew is in what nation? A Cherokee Nation.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Never have lived in the Choctaw Nation? A No sir.
Q What is your father's name? A Charles Fargo.
Q Is he living? A Yes sir.
Q Of what tribe of Indians in Indian Territory is he a member?
A Cherokee.
Q What is your mother's name? A Narcissa.
Q Is she living? A No sir.
Q Of what tribe of Indians in Indian Territory is she a member?
A Choctaw.
Q What year was you born? A In 1879.
Q That was prior to the preparation of the 1880 roll? A Yes sir.
Q Is your name on the 1880 roll? A Yes sir.
Q You have always since that time been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Have your citizenship rights as a Cherokee ever been disputed?
A No sir.

The name of Emily Fargo is found on the 1880 authenticated roll of the citizens of the Cherokee Nation, Sequoyah District, 504, and also on the 1896 census roll of the Cherokee Nation, page 1069, Number 570, Sequoyah District.

- Q Did you draw the Cherokee Strip Payment in '94? A Yes sir.
Q Have you ever been recognized and enrolled by the tribal authorities of the Choctaw Nation as a citizen of that nation? A No sir.
Q Never have drawn any money as a citizen of the Choctaw Nation?
A No sir.
Q Was you admitted to citizenship in the Choctaw Nation? A Yes.
Q Admitted by the Commission to the Five Civilized Tribes? A Yes sir.

Emily Fargo, being the identical person as Emily Fargo in this application, was admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, in Choctaw citizenship case Number 489.

There was no appeal taken from the decision of the Commission in this case within the time prescribed by the provisions of the act above referred to.

- Q Have you any children? A No sir.
 Q Never have been married? A No sir.
 Q Just applying for yourself? A Yes sir.
 Q It appears from the records of the Cherokee Nation in the possession of the commission and also from the records of the Commission that you have always been recognized as a citizen of the Cherokee Nation by the Cherokee tribal authorities and that you have also been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes. Section twenty one of the Act of Congress of June 20, 1902, provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Now under this legislation do you elect to be finally enrolled by the commission to the Five Civilized Tribes and the Secretary of the Interior as a citizen of the Cherokee or of the Choctaw tribe of Indians in Indian Territory? A Choctaw.

- Q In the event that you are enrolled by the Commission to the Five Civilized Tribes as a citizen of the Choctaw Nation and such enrollment is approved by the Secretary of the Interior, do you relinquish all your right, title and interest in and to the tribal property of the Cherokee Nation? A Yes sir.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on February 10, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell.

Subscribed and sworn to before me this 20th day of February, 1902.

[Signature]
 Notary Public.

Cherokee 1516

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Emily Fargo as a citizen by blood of the Cherokee Nation.

---:--

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That, at Muldrow, Indian Territory, on August 16, 1900, Emily Fargo appeared before the Commission to the Five Civilized Tribes, and made application for enrollment as a citizen by blood of the Cherokee Nation, and that the name of Emily Fargo was included in a partial roll of citizens by blood of the Cherokee Nation approved by the Secretary of the Interior, November 14, 1902, opposite No. 4082.

It is further shown by the records that Emily Fargo possesses rights to enrollment as a citizen by blood of the Choctaw Nation, and that on February 19, 1902, she appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for enrollment as such, and elected to be finally enrolled and take her allotment of lands and distribution of moneys in the said Choctaw Nation; and that on December 1, 1902, the Commission to the Five Civilized Tribes rendered its decision, granting said application. Thereafter, on January 26, 1903, at the request of said Commission, the Secretary of the Interior ordered the name of Emily Fargo stricken from the said partial roll of citizens by blood of the Cherokee Nation, and approved the Commission's decision of December 1, 1902, granting her application for enrollment as a citizen by blood of the Choctaw Nation.

It is further shown that the name of Nally Farge is included in a partial roll of citizens by blood of the Choctaw Nation approved by the Department, April 11, 1903, opposite No. 14304, and that on March 14, 1904, she voluntarily selected her allotment of land in said Nation.

Section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat. 716), provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of said section twenty-eight, above cited, Nally Farge is not entitled to enrollment as a citizen of the Cherokee Nation, and her application for enrollment as such is accordingly denied.



COMMISSIONER

Dated at Muskogee, Indian Territory,

this AUG 31 1905

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40.00
REFER IN REPLY TO THE FOLLOWING
7-D-701
7-D-672
7-D-489

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 8, 1902.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

You are advised that on December 1, 1902, the Commission rendered its decision granting the applications for enrollment as citizens of the Choctaw Nation of Annie G. Agent and her two minor children, Ruby G. and Charles G. Agent, on Cherokee roll card D-139; ⁶²²¹⁶⁷ Ida Goodman and her three minor children, Clyde, Willis O. and Ruth Goodman; and ¹⁵⁷⁶ Emily Fargo, Cherokee roll card 1516.

These persons have also been enrolled by the Cherokee tribal authorities as citizens of the Cherokee Nation; but on February 19, 1902, they appeared before the Commission at Muskogee, Indian Territory, and elected to be finally enrolled as citizens of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days within which to file protests against the enrollment of the above named parties. If at the expiration

C E Div 8

of the fifteen days no protests have been filed, the said parties will be enrolled as citizens of the Choctaw Nation.

Respectfully,

A handwritten signature, possibly "J. H. Smith", written in dark ink. The signature is somewhat stylized and appears to be written over a faint, possibly printed, name.

Acting Chairman.

Cherokee 1516,
D-2167,
D-139.

Muskogee, Indian Territory, December 6, 1902.

Cheotaw-Chickasaw Enrollment Division,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of December 3, stating that decisions have been rendered by the Commission and forwarded to the attorneys for the Cheotaw and Chickasaw Nations for protest, granting the applications for enrollment as citizens of the Cheotaw Nation, of Annie G. Agent et al., Ida Goodman et al., and Emily Fargo et al.

It appears that all of the persons above named have also applied for enrollment as citizens of the Cherokee Nation. As soon as the decisions above referred to have become final, either by non-protest on the part of the attorneys for the Cheotaw and Chickasaw Nations, or by approval by the Secretary of the Interior, you are requested to advise the Cherokee Enrollment Division of this Commission what disposition has been made of these cases.

Respectfully,

Acting Chairman.

(COPY)

7-5613
7-5614
7-5615

Muskogee, Indian Territory, December 20, 1902.

Cherokee Enrollment Division,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the applications for enrollment as citizens of the Choctaw Nation of Annie G. Agent, et al., Ida Goodman, et al., and Emily Fargo, you are advised that the fifteen days heretofore granted the attorneys for the Choctaw and Chickasaw Nations, within which to file protest against the enrollment of the above named parties, having expired on December 17, 1902, the above named parties have been enrolled by this Commission as citizens by blood of the Choctaw Nation.

Respectfully,

(Signed) Tams Bixby,
Acting Chairman.

(copy)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
DALLAS
JAN 8 1903

Muskogee, Indian Territory, December 20, 1902.

Cherokee Enrollment Division,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the applications for enrollment as citizens of the Choctaw Nation of Annie G. Agent, et al., Ida Goodman, et al., and Emily Fargo, you are advised that the fifteen days heretofore granted the attorneys for the Choctaw and Chickasaw Nations, within which to file protest against the enrollment of the above named parties, having expired on December 17, 1902, the above named parties have been enrolled by this Commission as citizens by blood of the Choctaw Nation.

Respectfully,

(Signed) Tama Hixoy,
Acting Chairman.

Vinita, Indian Territory, January 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

It appears from the records of the Commission that on December 1, 1902, a decision was rendered granting the application of Emily Fargo, for the enrollment of herself as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations were furnished with a copy of said decision and notified that they would be allowed fifteen days from date thereof within which to file protest against the enrollment of said Emily Fargo. It appears that no protest was made against the enrollment of said person.

This applicant has also been enrolled as a citizen by blood of the Cherokee Nation, but on February 19, 1902, she appeared before the Commission at Muskogee, Indian Territory, and elected to be finally enrolled as a citizen of the Choctaw Nation.

On October 8, 1902, her name was inadvertently included in the schedule of citizens by blood of the Cherokee Nation, which was on said date forwarded to the Department for approval, her number thereon being 4082.

In view of the fact that this applicant has elected to be enrolled as a citizen by blood of the Choctaw Nation, and that no protest or objection has been made against her enrollment as such by the representatives of the Choctaw and Chickasaw Nations, the Commission respectfully recommends that it be directed to strike her name from the schedule of Cherokee citizens by blood.

Respectfully,

Acting Chairman.

Commissioner.

Commissioner.

Through the

Commissioner of Indian Affairs.

R.P.

~~1082~~

1576

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JAN 10 1903

[Signature]
ACTING

RECEIVED

RECEIVED

RECEIVED

RECEIVED

(Copy)

Refer in reply
to the following:
Land
2501-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan. 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of November 14, 1902,--
I.T.D. 7013-1902-- approving a partial roll of citizens of
the Cherokee Nation, there is enclosed, herewith, a report from
the Commission to the Five Civilized Tribes, dated January 6,
1903, in which it is stated that the records of the Commission
show that on December 1, 1902, a decision was rendered granting
the application of Emily Fargo for enrollment as a citizen by
blood of the Choctaw Nation; that the attorneys for the Choctaw
and Chickasaw Nations were furnished with a copy of said de-
cision and notified that they would be allowed fifteen days
from that date within which to file a protest against said en-
rollment; that no protest has been made; that on February 19,
1902, the applicant appeared before the Commission, at Muskogee,
and elected to be enrolled as a citizen of the Choctaw Nation,
and that her name was inadvertantly included in the schedule
of citizens by blood of the Cherokee Nation, approved by the
Department November 14 last.

The Commission states that her name appears opposite No.

4082 and requests, in view of the fact that the applicant has elected to be enrolled as a citizen of the Choctaw Nation, authority to strike her name from the Cherokee schedule.

It is recommended that the authority be granted and that the office likewise be authorized to erase her name from the schedule on file with the office.

Very respectfully,

W. A. Jones,
Commissioner.

(G.A.W.)

P.

COPY.

Cherokee 1516

Muskogee, Indian Territory, February 3, 1903.

Chester-Chickasaw Enrollment Division,
General Office.

Sir:

There is herewith enclosed copy of Departmental letter, dated January 26, granting the Commission's request of January 6, to strike from the final roll of citizens of the Cherokee Nation, the name of Emily Farge, appearing on said roll opposite number 1022, and approving the action of the Commission in enrolling this applicant as a citizen of the Cherokee Nation.

Respectfully,

James S. Abey
Acting Chairman.

Enc. N-212

ALLISON I. AYLESWORTH
SECRETARY

REFER IN REPLY TO THE FOLLOWING

Cherokee 1516

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED DATE 01-15-2001 BY 60322

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

I have the honor to transmit herewith the original jacket and record in the matter of the application of Emily Fargo for enrollment as a citizen by blood of the Cherokee Nation. The record in this case appears to be complete, she having been enrolled by the Commission as a citizen of the Choctaw Nation, and the same is transmitted that a decision may be prepared therein as to her right to enrollment as a Cherokee.

W. J. Cook.

Clerk in Charge
Cherokee Land Office.

Encl-S-62
GRS

INDEX

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
26168		Book	Page
1903	SEP 23 1903		

Cherokee Land Office,
Tahlequah, I. T.,
Sept. 23, 1903.

Transmits, for decision,
original jacket and record
in case of Emily Fargo.

Cherokee 1516

Muskogee, Indian Territory, July 14, 1906

Commissioner to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

You are requested to advise the Cherokee Enrollment Division whether or not the enrollment as a Choctaw citizen of Emily Farge, who is listed on Choctaw card 7-D-489, has been approved by the Secretary of the Interior, and if so, to advise her approved roll number and the date of approval.

You are further requested to advise said Division whether or not the said Emily Farge has selected her allotment of land in the Choctaw Nation, and if so whether such selection was voluntarily or arbitrarily made.

Respectfully,

Commissioner

COPY.

Muskogee, Indian Territory, September 7, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of Emily Farge for enrollment as a citizen by blood of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1906, rejecting said application.

Respectfully,

(SIGNED)

L. M. B. Bull

Acting Commissioner.

Incl. GY-176.
GHL

Through the
Commissioner of Indian Affairs

Cherokee
1516

COPY

Muskogee, Indian Territory, September 9, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of a decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1906, rejecting the application for the enrollment of Emily Fargo as a citizen by blood of the Cherokee Nation.

You are advised that the record of proceedings had in this case, including the Commissioner's decision, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised the Department's action as soon as this office is informed of the same.

Respectfully,

SIGNED

John L. Smith

John L. Smith

Commissioner.

Incl B-32.
R

Cherokee
1816

PY:

Muskogee, Indian Territory, September 7, 1905.

Emily Fargo,

Muldrow, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation. There is also inclosed a copy of the record of proceedings had in your case.

You are advised that the record of proceedings had in this case, including the Commissioner's decision, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised the Department's action as soon as the same is made known to this office.

Respectfully,

SIGNED: *W. B. Hall*
W. B. Hall Commissioner.

Incl B-81.
R

Cherokee-1516.

COPY.

Muskogee, Indian Territory, November 14, 1905.

Emily Fargo,

Muldrow, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 4, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-146

cc to Mr.

Tamie Dixey.

Commissioner.

Cherokee-1516.

PY.

Muskogee, Indian Territory, November 14, 1905.

V. W. Hastings, •

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1905, rejecting the application of Emily Fargo for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 4, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-147

SIGNED:

Tamm
Commissioner.

COPY.

D.C. 50748-1905

(C O P Y)

Y.P.
FHE

I.T.D. 14332-1905

L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 4, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

September 7, 1905, your office transmitted the record in the matter of the application for the enrollment of Billy Fargo as a citizen by blood of the Cherokee Nation, including your decision of August 31, 1905, rejecting said application.

Repeating October 30, 1905, the Indian office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN

First Assistant Secretary

1 inclosure

(COPY)

Land
72305-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. October 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 7, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation by Emily Fargo.

August 31, 1905, the Commissioner decided adversely to the applicant.

The record shows that this applicant is entitled to enrollment as a Cherokee and as a Choctaw; that on February 19, 1902, she elected to be finally enrolled as a Choctaw and that her name is now included in a partial roll of citizens by blood of the Choctaw Nation approved by the Department April 11, 1903, opposite No. 14384 and that she, on March 14, 1904, voluntarily selected her allotment of land in said Nation.

In view of the record and of Sec. 28, of the Act of July 1, 1902 (32 Stats., 716) the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully ,

C. F. Larrabee
Acting Commissioner

M.M.M. (W)

D.C. 50748-1905

(C O P Y)

Y.P.
FHM

I.T.D. 14332-1905

L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 4, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

September 7, 1905, your office transmitted the record in the matter of the application for the enrollment of Emily Fargo as a citizen by blood of the Cherokee Nation, including your decision of August 31, 1905, rejecting said application.

Reporting October 30, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN

1 inclosure

First Assistant Secretary

(COPY)

Land
72308-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. October 30, 1905.

The Honorable,

The secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 7, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation by Emily Fargo.

August 31, 1905, the Commissioner decided adversely to the applicant.

The record shows that this applicant is entitled to enrollment as a Cherokee and as a Choctaw; that on February 19, 1902, she elected to be finally enrolled as a Choctaw and that her name is now included in a partial roll of citizens by blood of the Choctaw Nation approved by the Department April 11, 1903, opposite No. 14386 and that she, on March 14, 1904, voluntarily selected her allotment of land in said Nation.

In view of the record and of Sec. 25, of the Act of July 1, 1902 (32 Stats., 716) the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully ,

C. F. Larrabee
Acting Commissioner

M.M.M. (W)

D.C. 50748-1905

(C O P Y)

T.P.
VHE

I.T.D. 14332-1905

L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 4, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

September 7, 1905, your office transmitted the record in the matter of the application for the enrollment of Billy Farge as a citizen by blood of the Cherokee Nation, including your decision of August 31, 1905, rejecting said application.

Reporting October 30, 1905, the Indian office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN

1 inclosure

First Assistant Secretary

(COPY)

Land
72305-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. October 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 7, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation by Emily Fargo.

August 31, 1905, the Commissioner decided adversely to the applicant.

The record shows that this applicant is entitled to enrollment as a Cherokee and as a Choctaw; that on February 19, 1902, she elected to be finally enrolled as a Choctaw and that her name is now included in a partial roll of citizens by blood of the Choctaw Nation approved by the Department April 11, 1903, opposite No. 14386 and that she, on March 14, 1904, voluntarily selected her allotment of land in said Nation.

In view of the record and of Sec. 28, of the Act of July 1, 1902 (32 Stats., 716) the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

M.M.M. (W)

C. F. Larrabee
Acting Commissioner

Cher R 981

Trans from cher D 1907

Cher R 981

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make applica-
tion for enrollment?
A I desire to apply for the following named persons on the 1896
Cherokee roll, their families and their descendants:

James Duffington, page 512, 514, Illinois district/
Hotel "Probably Creek."

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

[Signature]
Notary Public.

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360

Cherokee B 1907

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application made for the enrollment
of Jane Buffington as a citizen of the Cherokee Nation.

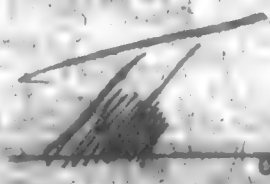
DECISION.

THE RECORD IN THIS CASE SHOWS: That on June 30, 1902,
Nanet Starr appeared before the Commission to the Five Civilized
Tribes at Muskogee, Indian Territory, and made application for the
enrollment as a citizen of the Cherokee Nation of Jane Buffington,
who is identified on the 1880 authenticated Cherokee tribal roll,
Illinois District, opposite No. 314. She was listed on Cherokee
Doubtful card No. 1907. It is further shown from the record
herein that the name of the said Jane Buffington appears upon the
partial list of Creek freedmen approved by the Secretary of the
Interior March 13, 1902, opposite No. 978, and that she has volun-
tarily selected her allotment of land in the Creek Nation.

Section 23 of the Act of Congress approved July 1, 1902,
(32 Stat., 716), provides:

"No person whose name appears upon the roll made by
the Dawes Commission as a citizen or freedman of any other
tribe shall be enrolled as a citizen of the Cherokee Nation."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under
the provisions of said section twenty-eight above cited, Jane
Buffington is not entitled to enrollment as a citizen of the Chero-
kee Nation, and her application for enrollment as such is accord-
ingly denied.



COMMISSIONER

Dated at Muskogee, Indian Territory,
this AUG 31 1905

Cherokee B 1907.

Tahlequah, Indian Territory, October 31, 1903.

Commission to the Five Civilized Tribes,

(Creek Enrollment Division)

Muskogee, Indian Territory.

Gentlemen:

Will you please inform the Cherokee Enrollment Division whether application has been made to your Division for the enrollment as a Creek citizen, or as a Freedman of the Creek Nation, of one Jane Buffington, age unknown, whose name appears upon the Cherokee authenticated roll of 1880, in Illinois District, and who has been listed for enrollment as a citizen of the Cherokee Nation on Cherokee card No. B 1907, to which number please refer in your reply.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

GVI

(C O P Y)

Cherokee D-1907
Creek F 272

Muskogee, Indian Territory, November 5, 1903

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Sir:

The Commission is in receipt of your letter of October 31, 1903, in which you ask to be informed whether application has been made to the creek Enrollment division for the enrollment as a Creek citizen or as a Freedman of the Creek Nation of one Jane Buffington, age unknown, whose name it is stated appears upon the Cherokee authenticated tribal roll of 1880 in Illinois District.

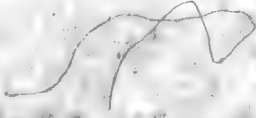
In reply you are advised that the records of the Creek Enrollment division have been examined and it appears therefrom that Jane Buffington age 43 years in 1898 is regularly listed for enrollment on Creek Freedman Card Field No. 272 and that her name is contained in the partial list of Creek Freedman approved by the secretary of the Interior March 23, 1902, Roll No. 978. From

a notation on the card in the case it appears that she is the wife of William Buffington, a Cherokee.

If application has been made for the enrollment of the said Jane Buffington as a citizen of the Cherokee Nation you are requested to furnish the Creek Enrollment Division with a copy of the testimony in the case.

Respectfully,

(Signed) T.B. NEEDLES
Commissioner in Charge



Cher. D-1907.

Tablequah, Indian Territory, November 12, 1903.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:-

The office is in receipt of your letter of November 3, 1903, in which you state, in reply to our letter of October 31, 1903, that Jane Buffington is enrolled on Creek card, Field No. 272, and in which you ask for a copy of the testimony in the matter of her application for enrollment as a citizen of the Cherokee Nation.

In reply you are advised that Jane Buffington was listed from information and there is no testimony in her case.

Will you please give this office the post office address of Jane Buffington, in order that she may be communicated with relative to her identity as the Jane Buffington listed on Cherokee card D-1907.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

Char. D-1907.

Tahlequah, Indian Territory, November 18, 1903.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskegee, Indian Territory.

Gentlemen:

The office is in receipt of your letter of November 5, 1903 in which you state, in reply to our letter of October 31, 1903, that Jane Buffington is enrolled on Creek card, Field No. 272, and in which you ask for a copy of the testimony in the matter of her application for enrollment as a citizen of the Cherokee Nation. In reply you are advised that Jane Buffington was applied for in a blanket application and we have no further record in her case.

Will you please give this office the post office address of Jane Buffington, in order that she may be communicated with relative to her identity as the Jane Buffington listed on Cherokee card D-1907?

Respectfully,

Commissioner in Charge
Cherokee Land Office.

JOC
GVI

COMMISSIONERS
TAMM SIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

2893

REFER IN REPLY TO THE FOLLOWING

Cherokee D. 1907.
Creek P. 272.

Muskogee, Indian Territory, November 16, 1903.

Commissioner in Charge

Cherokee Land Office,

Tahlequah, Indian Territory.

Sir:

The Commission is in receipt of your letter of November 13, in which you ask to be furnished with the post office address of Jane Buffington.

In reply you are advised that Jane Buffington was listed for enrollment as a Creek freedman in August, 1898, and that her post-office address at that time was given as Lee, Indian Territory.

Respectfully,



Chairman.

COMMISSIONERS
TAMM SIXBY,
THOMAS D. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING
Cherokee D 1907.

ALLISON L. AYLESWORTH,
SECRETARY

Beaz
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tahlequah, Indian Territory, November 25, 1903.

Jane Buffington,
Lee, Indian Territory.

Dear Madam:

Application has been made to this Commission for the enrollment as a Cherokee citizen of one Jane Buffington whose name appears on the Cherokee tribal roll of 1880 in Illinois District.

The Commission has information that you are the Jane Buffington referred to on said roll, and if this information is correct you are advised that it will be necessary for you to appear before the Commission at its offices in Tahlequah, Indian Territory, on or before January 1, 1904, and give evidence relative to your residence in the Indian Territory, and your status as a Cherokee citizen on September 1, 1902.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

BGR.

COMMISSIONERS:

TAMM BILLY,

THOMAS B. NEEDLES,

C. E. BRACKENRIDGE,

WM. C. BRALL,

Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ORDER IN REPLY TO THE FOLLOWING:

Cherokee D-1907.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 17, 1908.

Jane Buffington,

Lee, Indian Territory.

Dear Madam:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen of the Cherokee Nation, it will be necessary for you to appear before this Commission, at its office at Muskogee, Indian Territory, and give testimony relative to your right to enrollment as such citizen.

This matter should receive your immediate attention.

Respectfully,

Register.

Chairman.

(COPY)

W.S.H.

Muskogee, Indian Territory, July 26, 1905.

Chief Clerk,

Cherokee Enrollment Division.

Dear Sir:

Your letter Cherokee D-1907. You are advised that the records of this office show that Jane Buffington, Creek Freedmen Roll No. 978, appeared at this office on June 23, 1892, and selected in allotment the South East Quarter of Section 30, Township 14 North, Range 15 East, for which certificate No. 3015 was issued. Deeds Nos. 1462 and 1463 were prepared to cover this allotment and were, on the 24th day of January, 1903, forwarded to the Principal Chief of the Creek Nation for delivery to the allottee.

Respectfully,

(Signed) Tams Dixby
Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee

D-1907.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

slp
Muskogee, Indian Territory, September 7, 1906.

Jane Buffington,

Lee, Indian Territory.

Dear Madam:

There is inclosed you herewith a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen of the Cherokee Nation including the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1906, rejecting said application.

You are advised that the record of proceedings had in this case, including the decision of the Commissioner, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Department's action as soon as this office is informed of the same.

Respectfully,

W. O. Deale

Acting Commissioner.

Incl. GL-176.

GHL

Cherokee
D-1907.

Muskogee, Indian Territory, September 7, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed you herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1905, rejecting the application for the enrollment of Jane Buffington as a citizen of the Cherokee Nation.

You are advised that the record of proceedings had in this case, including the decision of the Commissioner, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Department's action as soon as this office is informed of the same.

Respectfully,

(SIGNED)

Incl. GL-177.
GHI.

Acting Commissioner.

COPIED
Muskogee, Indian Territory, September 7, 1905.

The Honorable,

The Secretary of the Interior.

SIR:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Jane Buffington as a citizen by blood of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1905, rejecting said application.

Respectfully,

SIGNED:

Acting Commissioner.

Incl. 01-294.
OHL

Through the
Commissioner of Indian Affairs.

COPIES OF THIS TO THE FOLLOWING:
Cherokee D-1907.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JH*

scg
Muskogee, Indian Territory, November 14, 1905.

Jane Buffington,

Lee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1905, rejecting the application for your enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 4, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,



Commissioner.

Incl. S-148

D. C. 50749-1905
I.T.D. 14334-1905

(COPY)

X.P.
PHE

DEPARTMENT OF THE INTERIOR
WASHINGTON.

November 4, 1905

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

September 7, 1905, your office transmitted the record in the matter of the application for the enrollment of Jane Buffington as a citizen by blood of the Cherokee Nation, including your decision of August 31, 1905, rejecting said application.

Reporting October 30, 1905 (Land 72303), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary

1 inclosure.

Land
72303-1905

(COPY)
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 30, 1905

The Honorable ,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 7, 1905, transmitting the record of the application for enrollment as a citizen of the Cherokee Nation by Jane Buffington.

August 31, 1905, the Commission decided adversely to the applicant.

The record shows that the name of the applicant appears upon a partial list of Creek Freedmen approved by the Department March 13, 1903, opposite No. 278 and that she has voluntarily selected her allotment of land in the Creek Nation.

In view of the record and of Sec. 28 of the act of July 1, 1902, (32 Stats., 716) the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. P. Larrabee
Acting Commissioner

M. M. H. (W)

Cherokee D-1907.

Muskogee, Indian Territory, November 14, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1905, rejecting the application for the enrollment of Jane Buffington as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 4, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. B-149

Commissioner.

Cher R 982

Trans from cher 3148

Cher R 982

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 20th, 1900.

IN THE MATTER OF THE APPLICATION OF DORA HALL FOR THE ENROLLMENT OF HERSELF AS A CHEROKEE CITIZEN.

The said Dora Hall, being sworn and examined by commissioner T. B. Needles, testified as follows:

Q What is your name? A Dora Hall.
Q What is your age? A Twenty-two.
Q What is your post office address? A Vera Indian Territory.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A One eighth.
Q For whom do you apply? A Just myself.
Q Have you ever been married? A No, sir.
Q What is your father's name? A Clay HALL Hall.

THE COMMISSIONER: The name of Dora Hall appears upon the records of the Daves Commission as having been admitted to citizenship, or acknowledged as a citizen, in case No. 5316, Court case No. 259.

Q Where do you reside? A I live in the Nation.
Q How long have you lived there? A I have lived here only just part of the time. I have been living with my grandmother since she has been sick.
Q Where is your grand mother living? A In Missouri.
BY MR. HASTINGS: (Representative of the Cherokee Nation)
Q Where were you born? A In Missouri.
Q What part of Missouri? A McDonald county.
Q What is your father's name? A Clay Hall.
Q By you were admitted to citizenship by the Daves Commission?
A Yes, sir.
Q Did you ever move to the Cherokee Nation?
A Yes, sir.
Q When? A It has been six years ago; my father moved here twelve years ago.
Q Where is your father now living? A On Caney River.
Q You are not married? A No, sir.
Q Is your mother living on Caney River in Cooweescoowee District? A No, sir; my mother is dead.
Q Isn't it a fact you make your home with your grand mother?
A No, sir; my grand mother is dead now.
Q When did she die? A Last week.
Q You have been with her during her sickness? A Yes, sir.
Q But you have been making your home with your father before? A Yes, sir.
Q And your father has been residing here for twelve years?
A Yes, sir.

THE COMMISSIONER: The applicant has been identified as indicated in the testimony. She has made satisfactory proof as to her residence, and she will be duly listed for enrollment as a Cherokee

citizen by blood.

The undersigned being sworn states that as a stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above application for enrollment and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1st day of October A. D. 1900.


Commissioner.

3148 a

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 1 1900

ACTING CHAIRMAN

17

12 3148

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1900


ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 20 1900 1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Admitted by the Home Commission - 1816
Case 5316 Court 259-

8314's

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 26, 1902.

In the matter of the application of MILTON M. CAULK, ET AL.,
for enrollment as citizens by blood of the Cherokee Nation:

Appearances:

Applicants appear by George B. Denison, Esq., of
Vinita, Ind. Ter., and N. B. Maxey, Esq., Muskogee;
Cherokee Nation by W. W. Hastings, Esq.

--On the 10th day of June, 1902, applicants in this case were notified by registered letter, that, on the 26th day of June, 1902, at the offices of the Commission, at Muskogee, Indian Territory, testimony would be introduced tending to disprove their right to enrollment as members of the Cherokee tribe of Indians in Indian Territory.

On the 25th day of June, 1902, Thomas T. Rogers appeared before the Commission, for the purpose of submitting testimony as regards the right of Milton M. Caulk, et al., to enrollment as citizens of the Cherokee Nation, and his testimony was, on said day, inadvertently accepted, and an order was made to the effect that the applicants had, on the 26th day of June, 1902, been called and failed to respond either in person or by attorney.

N. B. Maxey: We have some objections in writing, and ask that they be incorporated in the record.

The Commission: Attorneys for applicants offer the following objections:

"First:-- With due respect to the officer assigned to this hearing, (or the Commissioner, if there is one), the persons whose claim to citizenship in the Cherokee Nation is now called in question, object to any hearing, or the taking of any testimony in the case, without such hearing or taking of testimony, be by a majority of the Commission, because the law nowhere authorizes a hearing, or the taking of testimony by any other person or body than the Commission, and a majority of the Commission must be present at all hearings, or the taking of testimony, in cases of citizenship.

Second:-- They object to any hearing, or the taking of any testimony, in this case, because the action of the Commission to the Five Civilized Tribes on the application of these persons made under the Act of June 10, 1896, was final and conclusive, is binding now, and cannot be questioned or enquired into by the Commission.

Third:-- They object to any hearing, or the taking of any testimony, in this case, because the Commission under the authority conferred upon it by law, has heard the case and promulgated its decision, and is without any jurisdiction to further act in any manner in the case, except to transmit its decision to the Secretary of the Interior."

Mr. Hastings: The Cherokee Nation desires to state, with respect to the objections filed by attorneys representing applicants, that, under section twenty one of the Curtis Bill, applicants are required to be bona fide residents of the Cherokee Nation, and that, inasmuch as that act was passed subsequent to the alleged admission of these parties to citizenship in the Cherokee Nation, and inasmuch as the Commission now hearing this case gets its jurisdiction from the Act of June 28, 1898, that it certainly has jurisdiction, and it certainly is perfectly competent for the Commission to inquire into the question of the present residence of the applicants, or

their residence on June 28, 1898, and since their admission to citizenship in the Cherokee Nation by the court upon appeal from the decision of the Commission in 1896.

With respect to the first objection made by attorneys for applicants, the Cherokee Nation desires to say that it is a misquotation of the law, because the law does not say, anywhere, that a majority of the Commission, in person, shall be present and hear these applications for citizenship.

The Commission: The objections of the attorneys for the applicants will be noted, and the testimony heard.

N. B. Maxey: We will reserve an exception. The attorneys for applicants desire to further object to the taking of any testimony because there is neither member of the Commission present.

Mr. Hastings: The Cherokee Nation, in answer to the objection, states that the Commission is represented by its duly appointed and acting official, and that all the acts of the present examiner are submitted to and affirmed by the Commission, before the same is submitted to the Secretary of the Interior for his approval.

N. B. Maxey: In answer to the statement of the attorney for the Cherokee Nation, counsel for applicants still contend that it is necessary for the Commission to be present at the hearing of testimony in cases of this kind. Now, with reference to the testimony of this witness Rogers, in order to expedite matters, and do away with the necessity of another hearing, we are willing that the testimony of this witness be considered as taken today, providing we are allowed the privilege of contradicting him, the same as if we had been present at the taking of his testimony, and laid the proper foundation for an impeachment or contradiction.

The Commission: You will be given that privilege.

JIM CHILDERS, called as a witness on behalf of the Cherokee Nation, being duly sworn and examined, testified as follows:

Examined by W. W. Hastings:

- Q What is your name ? A Jim Childers.
Q What is your post office address ? A Chelsea.
Q How long has that been your post office ?
A It has been my post office for a year and a half.
Q Where did you come from there ? A From Afton to Chelsea.
Q How long had Afton been your post office before that ?
A About a year.
Q Where did you come from to Afton, I. T. ?
A Tiff City, Missouri.
Q When did you leave Tiff City ? A It will soon be 3 years.
Q Then you left there in 1899 ? A About that time.
Q Did you leave there in the spring or the summer of that year ?
A I left there in the spring; the first of January.
Q Was it three years last January, or three years next January ?
A It will be three years next January.
Q Then you left there the first of January, 1900 ?
A When I moved all my effects away, yes sir, but I commenced to move about six months before that.
Q Are you a man of family ? A Yes sir.
Q Were your family residing there until January, 1900 ? A Yes sir.
Q What business were you in ? A Farming.
Q Do you know Mary A. Caulk ? A Yes sir.

- Q Did you know her up near Tiff City ? A Yes sir.
- Q Where was she living at the time you left there; say in January, 1900; three years ago next January ?
- A If I am not mistaken she was living in the town of Tiff City at that time.
- Q Is Tiff City in Missouri ? A Yes sir.
- Q How big a town is it ? A About three hundred people.
- Q Was she married at that time ? A No sir.
- Q Did you know her when she married Rogers ? A Yes sir.
- Q After his death she married whom ? A Cork.
- Q When did he die ? A I don't know the date.
- Q About how long ago ? A It's been, to the best of my recollection, ten or eleven years ago. I wouldn't say positive as to that. It has been a number of years.
- Q How long had this woman been living in Tiff City when you left there about the first of January, 1900 ?
- A I don't think but a short time.
- Q Well about how long ? A I might be safe in saying that she was there three or four months.
- Q Where did she go from there ? A From ~~the~~ the Territory.
- Q What part of the Territory ? A I think she come from the Seneca reservation.
- Q That is right up close to Tiff City, Missouri ? A Yes sir.
- Q Have you known her from January, 1896, to January, 1900, to ever live in the Cherokee Nation proper ?
- A She was there then, but I have been told since then that she lived in the Cherokee Nation.
- Q Up to that time ? A I don't know.
- Q Didn't you live there ? A Yes sir.
- Q Up to 1900, at the time you left there, from 1896 up to 1900, did she ever live in the Cherokee Nation ?
- A I don't think I have any knowledge of it.
- Q Did you live in that neighborhood up to that time ? A Yes sir.
- Q How far from Tiff City ? A Three miles west.
- Q How far from the Missouri line ? A About two miles and a half I suppose.
- Q Were you on the Missouri line ? A No sir, about three miles west.
- Q You live out about Chelsea now ? A Yes sir.
- Q Where does this woman live now ? A Mary A. Caulk ?
- Q Yes ? A She lives near Chelsea.
- Q She has moved there recently ? A Yes sir.
- Q About how long ago ? A I think she moved there last fall or winter, I am not positive as to time. She had been there a few days or a week or two before I knew she was there.
- Q Since that time she has been living there continuously ?
- A Yes sir.
- Q Do you know where she was in June of 1898 ? Four years ago now ? A I can't say positive.
- Q You know she wasn't living in the Cherokee Nation don't you ?
- A Not at that time, no sir.
- Q Do you say that she was not living in the Cherokee Nation at that time ? A No, not to my knowledge.
- Q You were living over there weren't you ? A Yes sir.
- Q Don't you know whether she was living there ?
- A I didn't see her there.
- Q You never saw her living in the Cherokee Nation at that time ?
- A No sir.
- Q You never knew of her being in the Cherokee Nation at that time ?
- A No sir.
- Q Do you know Dora Hall ? A I know one Dora Hall.
- Q Where did you know Dora Hall ? A I knew her in Missouri.
- Q In what part of Missouri ? A The south-west part.

Q Her father's name was Gale Hall ? A Yes sir.
 Q Is that the one you knew ? A Yes sir.
 Q When did she leave Missouri ? A I don't know.
 Q When did you know her in Missouri ? A I knew her when I left there in 1900.
 Q Was she living there in January, 1900, when you left there ?
 A Yes sir.
 Q How long after you moved away until she moved away ?
 A I don't know that she has ever moved away; I don't know anything about her since I moved away.
 Q You have never seen her since ? A I saw her at my house at Arton, about eighteen months ago; that's the only time I have seen her since I left Missouri.
 Q Where was she from over there ? A She come from up there somewhere about Tiff City.
 Q Her father was Gale Hall ? A Yes sir.
 Q You knew him ? A Yes sir.
 Q That is the same one you are speaking of now ? A Yes sir.
 Q Do you know Robert Hall ? A Yes sir.
 Q Is he a brother of Dora ? A Gale Hall was Robert's brother. He claimed he was about 27 years old in 1900. He claimed he used to live in McDonald County, Missouri.
 Q Got a wife by the name of Ada Hall ? Did you know her ?
 A No sir.
 Q A child named Mada, did you know it ? A No sir.
 Q Well, where did you know this Robert Hall that you speak of ?
 A I knew him in McDonald County, Missouri.
 Q When did you know him there ? A It has been eighteen or twenty years ago.
 Q How long did you continue to know him there ?
 A I knew him from the time he was a child up until that time.
 Q You haven't known him for a number of years ? A No sir.
 Q You haven't known him since 1896 ? A No sir.
 Q Do you know Newton Hall ? A Yes sir.
 Q Is he a brother to Robert and Dora ? A Yes sir.
 Q Where did you know him ? A At the same place.
 Q When did you last know him in Missouri ?
 A Not since I knew Bob, about eighteen or twenty years ago.
 Q Did you know Henry Hall ? A Yes sir.
 Q Have you known him in the last six years ? A No sir.
 Q Don't know anything about his residence since then ? A No sir.
 Q I believe you say Milton M. Caulk is living out near Chelsea ?
 A Yes sir.
 Q Is Pleasant, Milton's son ? A Brother.
 Q Where does he live ? A Near Cabin.
 Q How long has he lived there ? A Six or seven years I think.
 Q How long has he lived in the Cherokee Nation ?
 A Since 1892 to my knowledge.
 Q Do you know Edward H. Caulk ? A Milton's son ?
 A Yes sir.
 Q Does he live with his father ?
 A He is living on his father's farm.
 Q Do you know Rosa Martin ? A Yes sir.
 Q Is that one of Pleasant Caulk's daughters ?
 A That's one of Martin's.
 Q Where does she live ? A She lives near Chelsea, in that vicinity.
 Q Has she lived there since 1896 ? A Yes sir, she has lived there since 1892.

Examined by George B. Denison:

- Q Where were you living in June, 1898 ? A I was living three miles west of Tiff City, in Missouri, in the Territory.
- Q Do you know, during that month, where Mary A. Caulk was living ?
- A No sir, I don't know exactly where she was living. She was living somewhere in that section of country though; I don't know just what place she was living on at that time.
- Q Then you do not know whether she was living in the Cherokee Nation or Missouri, at that time ? A She wasn't living in Missouri, she was living in the Seneca reservation to the best of my knowledge.
- Q Do you know; I don't want the best of your knowledge. Do you know where she did live ? A I can't tell you what place she lived on, now.
- Q Do you know that she lived in the Seneca Nation in June, 1898 ?
- A Yes sir.
- Q Do you know how long before that she had lived in that Nation ?
- A No sir.
- Q Do you know how long after that she had lived there ?
- A No sir, not exactly.
- Q How near do you know ? A She must have moved out sometime in the year 1899, sometime during that year she must have moved out to the best of my recollection. Of course I never noted this down.
- Q Do you know the place in the Cherokee Nation that John H. Rogers and his then wife Mary A. Caulk now, made ? A Yes sir.
- Q Do you know any time that Mary A. Caulk lived on that place ?
- A Yes sir.
- Q Do you know when it was ? A I don't recollect just the year, but it was somewhere about 1869 or 1870, in there somewhere, that they made that place and moved on it.
- Q I am not talking about when they made the place ?
- A They lived on the place after they made it until Roger's death.
- Q Do you know anything about her living on the place in 1898 or 1899 or 1900 ? A No sir.
- Q Do you don't know anything about her having been put off the place by a process from the United States Court ? A No sir.
- Q Then you don't know anything about her immediately prior to that time ? A No sir. I heard that she was put off the place, but I don't know anything about that.
- Q That place is in the Cherokee Nation isn't it ? A Yes sir.
- Q If you heard she was put off the place it must have been in the Cherokee Nation ? A She was put off the place in the Cherokee Nation, but that was after I left.
- Q You don't know how long she had been living on the place before you heard that she was put off ? A No sir. I don't even know when she went on.
- Q You know these improvements that she and her first husband had made away over yonder in the Cherokee Nation ? A Yes sir.
- Q You know, don't you, that she lived there after husband's death ?
- A Yes sir.
- Q Well now, taking 1896 up to 1900, do you know whether or not she had any property in the Cherokee Nation ?
- A I don't know of any.
- Q Do you know whether she had or not ?
- A I don't know of any property, in the Cherokee Nation, at that time, unless it was the place that her and her husband put in.
- Q You know of that improvement ? A Yes sir.
- Q That is still known as the improvement that she and her husband put in ? A Yes sir.
- Q Some of the family are still occupying or controlling it ?
- A They are controlling it, yes sir.

Examined by W. W. Hastings:

Q Her first husband died about 1878 or 1879, didn't he ? Rogers ?

A Somewhere along there, yes sir.

Q This woman at that time, claimed to be an intermarried citizen didn't she ? A That was the supposition.

Q She married a white man and forfeited her rights ?

Mr. Denison: We object to that. We object to the testimony as incompetent, irrelevant and immaterial.

The Commission: The objection will be noted.

Mr. Hastings: She married a white man and her rights were then considered as forfeited ?

Mr. Denison: The same objection.

The witness: That's the way it was construed at that time, yes sir.

Q About how long did she live on this place after she married that white man ? A I don't recollect.

Q About how long ? A I will say somewhere in the neighborhood of a year ?

Q About how long after her first husband's death until she married the second time ? A I can't answer that, but it must have been about two years.

Q For about two years after her first husband's death, or about a year after her marriage to her second husband, who was a white man, did she live on this place at any time before you left there about the first of January, 1900 ? A Not that I have any knowledge of.

Q How far did you live from the place ? A About six miles, I reckon.

Q She wasn't put off that place before you left there ? A No sir.

Q She wasn't living on it when you left there ? A Not that I know of.

Q You left there about January the first, 1900 ? A About that time ?

Q When you left there she was living over at Tiff City, Missouri ? A Yes sir, she went there to send her children to school.

Q She went from the Seneca Nation over there ? A Yes sir.

Geo. B. Denison: We move to exclude that portion of the testimony relating to Mary A. Caulk's having married a white man and thereby forfeited her rights of citizenship; and that portion of the testimony with reference to her being regarded as an intermarried citizen during her first marriage.

MARY A. CAULK, called as a witness on behalf of applicants, being duly sworn and examined, testified as follows:

Examined by Geo. B. Denison:

Q What is your name ? A Mary A. Caulk.

Q You are the daughter of Rhoda Caulk ? A Yes sir.

Q About when did Rhoda Caulk die ? A She died two years ago this coming September, in 1900.

Q Who was your first husband ? A John Rogers.

Q What was the date of his death ? A I think he died in 1879 or 1880. I won't be positive. I don't exactly know, but along about that time.

Q How long was he your husband ? A We were married in 1869, and he died in 1879, I reckon, or along about 1880; somewhere near ten years.

Q Where were you living during the time that you were his wife ? A On Cowskin prairie. The first year we moved out to Cabin Creek eight miles from Vinita, then we moved back to the Cowskin prairie.

Q Was that in the Cherokee Nation ? A Yes sir, in the Cherokee Nation.

Q What, if anything, in the way of improvements, did you and he make there in the Cherokee Nation ? A We had one hundred acres enclosed, besides our orchard, about two acres.

Q That was an improvement upon the public domain of the Cherokee Nation ? Was it ? A Yes sir.

Q And you lived upon it from the time you first began to make it until his death ? A Yes sir.

Q Did you remain upon it after his death ? A Yes sir.

Q How long ? A I lived there most two years. I lived there over two years. It wasn't quite two years when I was married. I was married in August, and it would have been two years in October that he died. I lived on there until February.

Q Were there any children born of that marriage ? A Yes sir.

Q How many ? A Four; but two living children.

Q Who owns that improvement now ? A Well, my daughter claims it, it belongs to both I suppose, at least it ought to.

Q If, at any time, recently, you have lived upon that place, state when it was, and for how long ? A Well I lived on that place about--let's see, three years ago this last March.

Q Was that when you moved on the place the last time ? A Yes sir the last time.

Q And about how long did you live there ? A I lived until the coming April a year.

Q How did you come to move off the place ? A Why they had a marshal, sent there and throwed me out.

Q Under a process from the United States Court ? A Yes sir.

Q Rogers come in and taken possession, and I had to give the place up.

Q Do you know whether a bond was given in that case ? A They claimed they did.

Q You didn't see it ? A No sir.

Q Who are the plaintiffs in this case ? A Ella Kepler.

Q Who is Ella Kepler ? A She is my daughter.

Q The other plaintiff is her husband ? A Yes sir.

Q She is a daughter by your first marriage ? A Yes sir.

Q Now when you were put off that place by a marshal, where did you go, and why ? A I moved just over the Seneca line; I could get no house on the Cherokee side; and it was bad weather, and I moved over there in a house just about a mile across the line.

Q Did you leave any property of yours in the Cherokee Nation beside these improvements ? A I left a couple of hogs, and a plow and some things.

Q Did you make your home in the Seneca Nation, or simply move there temporarily because that was the only place where you could get a place to live ?

Mr. Hastings: I suggest that that is about as leading and dangerously suggestive a question as could be asked. I would like for the record to show my objection.

A I moved there because I had no place else to go.

Q State what effort, if any, you made to find a place to live in in the Cherokee Nation at that time ?

Mr. Hastings: I object. I think there is no good excuse for a woman to move into the State. She had no right to go there anyway.

Geo. B. Denison: I think she had a right to get a place to cover her children.

The witness: I lived there on the place with the consent of my daughter.

Q Where were you born ? A In California.

Q Do you remember what year ? A 1852.

Q When did you first come to the Cherokee Nation ?

A When I was married.

Q To Mr. Rogers ? A Yes sir.

Q You were one of the parties who made application with Rhoda Caulk for enrollment ? A Yes sir.

Q Where were you living in the year 1896 ?

A I declare, I can't say, I haven't kept no note of it.

Q It was when the application was made, in the fall of 1896, under the Act of June 10, 1896. The question is whether you were living in the Cherokee Nation at the time your application was made to the Dawes Commission for your enrollment ?

A I think I was living at Tiff then.

Q Do you remember, after 1896, where you first lived in the Cherokee Nation ?

A I left there the last of March or first of April, and went on the home place.

Q What year ? A Three years ago this last March.

Q March of 1899 ? A I suppose it was, you can count back and see. I never kept no note of it.

Q You are living now in the neighborhood of Chelsea ? A Yes sir.

Q When did you move there ? A Last fall.

Q Where from ? A From Missouri, there on my mother's place.

Q How long had you been at your mother's place before you moved to Chelsea ? A Just about a year, or hardly so long.

Q Have you heard of anything that Thomas Rogers has said with reference to getting possession of that place and depriving you of your claim as a citizen ?

Mr. Hastings: I want to say that I will not object to it if Tom Rogers said it to you.

The witness: Yes, he said he was---

Mr. Hastings: Madam, I want to treat you nice about this matter, but you wait until these objections are made. If you heard it from Tom Rogers, I have no objection, because that lays a proper foundation.

Mr. Denison: You expressly ~~agreed~~ agreed that we might take this testimony if we agreed to that testimony taken yesterday.

Mr. Hastings: You know you can lay that foundation no other way except to bring him in yourself. You can't bring this woman in. If he said it to any of your witnesses here we wouldn't object.

The witness: I never had time to get my witnesses.

Mr. Hastings: Well how did you happen to come ?

The witness: My brother come and told me that he had a notice to come here to-day, but I never got no notice.

The Commission: It appears from the records of the Commission that the applicant in this case was notified by registered letter under date of June 10, 1902, that testimony would be introduced this day tending to disprove her right to enrollment as a citizen of the Cherokee Nation, said registered letter having been sent to her at Tiff City, Missouri, which she gave as her post office address when the application was made.

The witness: I have written to the Commission about it. I have heard a good deal. I have heard of him making several threats, ~~xxx~~ but he never made them to me.

Mr. Hastings: I would suggest that the Commission rule on this now.

The Commission: I think we will just note the objections.

Examined by Geo. B. Denison:

Q Have you ever heard that anything was said by Kepler or his wife with reference to getting possession of the place in the Cherokee Nation, to deprive you of your rights as a citizen?

Mr. Hastings: The Cherokee Nation objects to this question because nobody knows any better than counsel himself that it is entirely immaterial and incompetent and irrelevant.

The Commission: Answer the question.

Witness: Yes sir, I have heard of it. He told Senator Tandy that he was going to deprive us of our rights if he could, and that he was doing it for spite work, and I didn't have time to get an affidavit after I heard of this.

Mr. Hastings: Comes now the Cherokee Nation and moves to strike that out of the record, because it is clearly immaterial and inadmissible, as it has nothing to do with the issue in this case, because the issue in this case is only as to the residence of the applicant, and these contentions tend in no wise to throw any light on the case, and was only injected into the case by attorney for the applicant for the purpose of prejudicing the Commission in this case.

Witness examined by Mr. Hastings:

Q Where were you living when you made application to the Commission in 1896, to be enrolled? A I stated a while ago that I thought that I--in 1896, how many years has that been?

Q It will soon be six years? A I must have been living at Tiff City about that time.

Q You mean Tiff City, Missouri? A Yes sir.

Q Where were ~~it~~ you living when you got notice that you had been admitted by the United States Court upon appeal from the decision of the Dawes Commission?

A I got it from the papers; I read it in the papers first.

Q Where were you living? A Tiff City.

Q When, after that, did you move away from Tiff City, Missouri?

A It was the next spring, I think.

Q Well now, what spring was that?

A Three years ago this last spring.

Q Are you positive that you moved away from there in March, 1899?

A I am positive that I moved away from Tiff City three years ago last spring.

Q Was it in March or April? A About April.

Q Did you move from Tiff City down to this Rogers place?

A Yes sir.

Q How long did you remain on the place? A Till the next April, a year.

Q Was your daughter married when you moved down there?

A Yes sir.

Q What was her first name? A Ella.

Q Was she married when you moved down on the place ?

A Yes sir. She was living alone, and her husband had gone to the mines to work, and she wanted me to live on the place.

Q You had been living at Tiff City when you moved down there ?

A Yes sir.

Q You had been living at Tiff City since being admitted by the Court until that time ? A Yes sir. It came out in the paper and I read it in the paper; and I think it was in the spring that I moved to the Territory.

Q Well now, you say you lived there how long before you were put off ? A I lived there from the last of March or the first of April, till the coming April a year. A little over a year I was on the place.

Q Do you know this witness Jim Childers ?

A Yes sir, he lived with us on the place for one year when I was married to Mr. Rogers.

Q Did you know him when you moved out there the last of March or first of April, in 1899 ?

A He was there living in the Seneca Nation or had moved to Afton, I can't say which. I think he moved to near Afton a short time after I left Tiff.

Q He said he moved to Afton in January, 1900. Can it be possible that you moved down to the Rogers place the last of March or first of April, 1900 ? A No sir, it was three years ago.

Q You are positive about that ? A Yes sir, I am positive.

My mother will be dead two years in September, and it was March of the year before she died that I moved on the home place, which would make it three years.

Q Then you left there in April, 1900, and went back to Tiff City ?

A No sir.

Q Where did you go ? A When they throwed me out of the home place, I said I lived across the line.

Q In Missouri ? A On the Seneca side.

Q How long did you live there ? A Couple of months.

Q Then where did you go ? A Back to the Territory.

Q On whose place ? A Across the line. I moved over there and lived in a tent. I had no house, and moved over and lived in a tent.

Q Near whose place ? A Near the home place.

Q How long did you live there in a tent ?

A I lived there from in June till September or October.

Q Then where did you go ? A Up to the home place--to mother's place.

Q Is that in Missouri ? A Yes sir. Then I moved down to the Territory.

Q When did you move to Chelsea in the Territory ?

A Last October.

Q Where does Dora Hall live ? Where does she live now ?

A She is living with my sister.

Q Well, what is her name ? A Laura Davis.

Q Where does your sister live ? A Near Tiff City.

Q Is Missouri ? A Yes sir.

Q How long has she been living there ? A She has been there with her ever since mother's death. She came down here and stayed a month or a couple of months, at her brother's, Robert Hall.

Q She has lived up there with your sister ever since your mother's death ? A Yes sir.

Q Was that in September, 1899 ? A No sir, two years ago this coming September mother died.

Q In 1900, then ? A Yes sir.

Q Where had she been living before your mother's death ?

A With mother.

Q Well, how long ? A My mother raised her.

Q Then she has lived there all her life ? A Yes sir.

Q And she lives there yet ? A Yes sir. She is in the Seneca Nation now; she is not in the State.

Q When did she leave your mother's place in Tiff City and go to the Seneca Nation ? A My mother lived near Tiff City, and my sister lived back of the town in the Seneca Nation.

Q As I understand, Dora Hall lived with your mother until September, 1900, and after your mother died she went over to live with your sister in the Seneca Nation ?

A Yes sir.

Q That was after September, 1900 ? A Yes sir.

Q Your mother raised her ? A Yes sir, my mother got her when she was small, and raised her.

Geo. B. Denison: The attorneys for applicants in this case desire to offer in evidence and annex to the testimony of this witness, a certified copy of the record of the case of Ella Kepler and A. O. Kepler vs Mary A. Caulk, now pending in the United States Court at Vinita, Indian Territory.

The Commission: The request of the attorney for applicants will be complied with, and the document filed.

JIM CHILDERS, re-called, testified as follows:

Examined by W. W. Hastings:

Q Your name is Jim Childers ? A Yes sir.

Q You are the same man that was on the stand a moment ago ?

A Yes sir.

Q You know the applicant here, Mary A. Caulk ? A Yes sir.

Q You testified that you knew the old Rogers place ? A Yes sir.

Q Made by she and her husband ? A Yes sir.

Q About how far did you say you lived from there before your removal to Afton ? A It is in the neighborhood of six miles.

Q In what direction from you ? A South.

Q Did you have any occasion to go by there any ?

A Why during the time that I lived there on that particular place I think I went by there twice during the four years that I lived on that particular place.

Q Now are you--can you remember; and think over and be positive as to the time you left there, that vicinity for Afton ? I want to know the date you left there if you can recollect it. I would like for you to be positive about it if you can?

A Well, let's see. I am positive, or think I am at least, that I left there in 1900.

Q In January, 1900 ? A About then.

Q This woman has stated here that she lived on that place from the last days of March, 1899, on up until April of 1900. Could that woman have lived upon that place for eight or nine months in the year 1899, while you lived there in the vicinity, and you not have known it ?

A I presume she could have done it, but I don't hardly believe that it is probable that she could.

Q Where did you say she lived from the March before you left that neighborhood; say from March, 1899, to January, 1900 ?

A Well, if I am not mistaken in the year, she moved about a mile and a half west and a half a mile south of where we lived during the spring and summer season.

Q Of that year, 1899 ? A I say if I am not mistaken in the dates. When she left there she went to Tiff City.

Q Is that in the Cherokee Nation or the Seneca Nation ?

A It is in the Seneca Nation, but near the Cherokee line.

Q That's near you ? A Right at two miles.

Q You say there is where she lived in the summer of 1899 ?
A If I am not mistaken, yes sir.
Q What I want to know about is the summer before you left there ?
A Yes sir, without I have made a mistake in the date, she lived there when I left that country.
Q On whose place ? A I think the place belonged to Waryer.
Q In the Seneca Nation ? A Yes sir.
Q She moved from there to Tiff City ? A Yes sir.
Q Did you hear of her living down there on this Rogers place when you lived there ? Between the date of her admission to citizenship and the time you left there ?
A Yes sir, I heard that she had moved on the place.
Q When did you hear that ? A After I had moved way.
Q I want to know if you heard before you left there that she lived over there ? A No sir, I didn't hear of it before I left there.
Q Did you hear of her living on the place after you left there ?
A Yes sir. I think she moved on about the time I left there.
Q You left her over at Tiff City when you left that neighborhood ?
A Yes sir.

Examined by Geo. B. Denison:

Q All that you pretend to know is what has been told you of her living on the Rogers place before you came to Afton ?
A No sir. I knowed of her living there before I moved to Afton. After that I heard that she moved back.
Q All the knowledge that you have of her living on the place is what you heard ?
A What I got by letter. My friends there wrote me that Mrs. Caulk had moved on her old place.
Q You have no personal knowledge as to whether she moved then or afterwards ? A She was living in Tiff City to the best of my knowledge when I moved from there.
Q Then you may be mistaken about when you moved ?
A Yes sir, I may be, because I have got nothing to base my memory on.

Examined by Mr. Hastings:

Q Just now when Judge Denison ~~asked~~ asked you about her living on this place before you went to Afton, you meant that it was when she and her first husband lived on it ? A Yes sir.
Q Then you never knew of her living on it any more until after you left there ? A Yes sir.
Q Then, according to your best judgment, it was in 1900 that you left there ? A Yes sir.

The Commission: This testimony will be filed with and made a part of the record in the case of DORA HALL # 3148.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this July 6, 1902.

Seal

J. B. Renter
Notary Public.

aaa

8

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Dora Hall, et al., for enrollment as citizens of the Cherokee Nation, consolidating the applications of:

Dora Hall,	Cherokee	3148
Mary A. Caulk, et al.,	"	3149

D E C I S I O N

The record herein shows that on September 20, 1900, Dora Hall appeared before the Commission at Vinita, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation, and that Mary A. Caulk appeared at the same time and place and made application for the enrollment of herself and her three children, Bessie, Jesse and Laura Caulk, as citizens by blood of the Cherokee Nation. A copy of the testimony taken at Muskogee, Indian Territory, on June 28, and June 26, 1902, in the matter of the application of Milton M. Caulk, has been filed herewith and made a part of this record. On January 24, 1902, a birth affidavit was filed for Otis Caulk, a child of Bessie Caulk, born May 28, 1900.

The evidence shows that applications were filed with the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress, June 10, 1896 (29 Stats., 321), for admission of the applicants herein as citizens by blood of the Cherokee Nation and that their said applications were granted, and no appeal appears to have been taken from such decision.

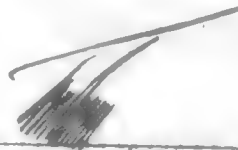
The evidence further shows that at the time of their admission to citizenship aforesaid, Dora Hall and Mary A. Caulk were residing in the State of Missouri, and that Mary A. Caulk did not remove to and permanently locate in the Cherokee Nation until 1899, and that the said Dora Hall has never removed to and located in said Nation. The residence of Bessie, Jesse, Laura and Otis Caulk is considered to be that of said Mary A. Caulk.

Paragraph nine, section twenty-one of the Act of Congress approved June 28, 1896 (30 Stats., 495), provides:

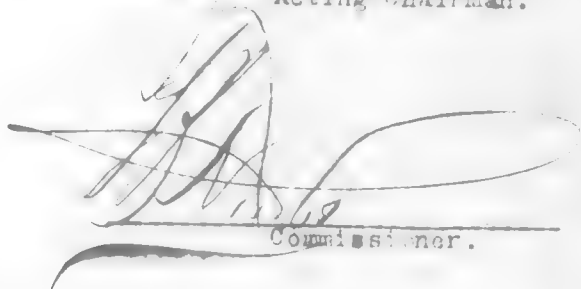
"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, ther fore, the opinion of this Commission that the applications for enrollment of Dora Hall, Mary A. Caulk, Bessie Caulk, Jesse Caulk, Laura Caulk and Otis Caulk, as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

this JAN 30 1903

AAD.

(COPY)

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, April 23rd, 1903.

-----X
In the matter of the application of Dora Hall for }
the enrollment of herself as a citizen by blood } Cherokee #3148.
of the Cherokee Nation.)
-----X

Appearances:

George B. Denison for Applicant.
J. C. Starr for Cherokee Nation.

M. M. Caulk, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. M. M. Caulk.
Q. How old are you? A. 55 years.
Q. What is your post office? A. Chelsea.

Examination by Mr. Starr.

Q. Are you acquainted with Dora Hall, the applicant? A. Yes, sir.
Q. How long have you known her? A. I have known her ever since she was born.
Q. Do you know where she is now, at this time? A. She is in Oregon.
Q. How long has she been there? A. To the best of my knowledge she has been there about five months.
Q. Where has Dora Hall resided during the last 10 years?
A. She resided in Missouri with my mother.
Q. Near what town? A. Near Tiff City.
Q. She resided there until she went on this trip? A. No, sir; until my mother died. That is in 1900. Then she stopped with my sister, living right in Tiff City.
Q. Stayed with you sister until she went on this trip? A. Yes, sir.

Examination by the Commission.

Q. Was she any relation to your mother? A. Yes, my mother is her grandmother.
Q. Is your mother a citizen of the Cherokee Nation? A. Yes, sir.
Q. Did Dora Hall make her home there? A. Yes, sir. After her mother died---she was an orphan child--her father married another woman. She wouldn't live with them. She came to my mother.
Q. When did her mother die? A. Her mother died--I don't know as I can give you the exact dates but she has been dead, I expect, between 15 or 20 years.
Q. Where was she living at the time of her death? A. She was living in Missouri.

Q. Dora Hall continued to live in Missouri? A. Yes, sir; she continued to live there.

Q. Her father married again? A. Yes, sir.

Q. Was he a citizen? A. No, sir; he wasn't a citizen himself. They moved to the Territory here with the other children that were admitted.

Q. When were they admitted? A. They were admitted at the time I was.

Q. In 1896? A. Yes, sir. He moved here in 1888.

Q. How old was Dora in 1888? A. She was--Why she couldn't have been more than 10 or 12 years old at that time.

Q. She continued then to live with your mother? A. Yes, sir; she continued to live with my mother until she died. It was in 1900.

Q. Dora Hall, then, has never lived in the Cherokee Nation since the death of her mother? A. No, sir, only a short time. She purchased a place about three years ago. She has a place now on Caney. Her father has charge of it.

Q. Dora Hall is married? A. No, sir.

Q. What is she doing in Oregon? A. She is living with my sister. I have a sister there. She is running a hotel. She wrote for her to come out there. She had no other home, she went out there.

Q. How long since you have seen Dora Hall? A. It has been between one and two years since I seen her last.

Q. Where has her home been since her mother's death?

A. Her home has been with my mother.

Q. She had no home in the Cherokee Nation? A. No, sir.

Q. She had no property here except--- A. Except the last 2 or 3 years.

Q. How old is she now? A. She is 23 or 4 years old. I wouldn't be positive. Right along there somewhere.

P. C. Caulk, being duly sworn, testified as follows:

Examination by Mr. Starr.

Q. State your name? A. P. C. Caulk.

Q. What is your age? A. 41.

Q. What is your post office? A. Miles.

Q. Are you acquainted with Dora Hall, the applicant? A. Yes, sir.

Q. How long have you know her? A. Well, I have known her ever since she was born.

Q. Do you know where she has lived the greater part of her life?

A. Yes, sir; she has lived with my mother over in Missouri up until she died, then she went to my sisters until she went out west.

Q. About how long did she live with your mother in Missouri?

A. Well, I don't know exactly.

Q. She lived with your mother in Missouri since her mother died?

A. Yes, sir.

Q. Did she make her home there? A. Yes, sir.

Q. How long has she been gone to Oregon? A. She has been gone about four or five months.

Q. She lived in Tiff City before she went to Oregon? A. Yes, sir.

Q. She lived in Missouri, then, from the time her mother died until she went to Oregon? A. Yes, sir.

Q. Does Dora Hall own a farm in the Cherokee Nation? A. Yes, sir; I think she does.

Q. She leases it? A. I don't know whether she did or not?

BY M. M. CAULK: Yes, she has it rented out.

M. M. Caulk, being recalled, testified as follows:

Examination by the Commission.

Q. How lives on it? A. I don't know the parties name.

Q. Did she buy that farm? A. Yes, sir.

Q. Who did she buy it from? A. I think she bought it from a lady by the name of Trainer. I am not confident.

Q. Was she a citizen? A. Yes, sir; I think she was.

Q. Dora Hall has had possession of that place ever since?

A. About 2 or 3 years. I wouldn't say positive. To the best of my knowledge it is about that time.

Q. Has it been rented ever since? A. Yes, sir.

Q. She collects the rent? A. Yes, sir. Her brother does and sends it to her.

Q. Does her father and her brothers and sisters live here?

A. Yes, sir.

Q. You say her father has lived in the Nation since 1888?

A. Yes, sir; they have lived here ever since 1888.

Q. Does Dora Hall visit here? A. Why, she has visited them 2 or 3 times. I think about three times.

Q. Is her farm near their place? A. Yes, I don't suppose more than half a mile, not to exceed a mile, from her father's place.

Q. Has Dora Hall any property or any interests in the state of Missouri? A. No, sir; not at all. Never has had any.

Q. She is in Oregon staying with relatives? A. Yes, sir; staying there with an aunt of hers.

— : — : — : — : — : — : — : — : — : — :

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Jesse O. Carr.

Subscribed and sworn to before me this 16th day of May, 1903.

(SEAL)

(Signed) Samuel Foreman,
Notary Public.

-0-0-0-0-0-0-0-0-0-0-0-0-0-

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 24th day of October, 1903.

Edward Morris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F.P.T.

In the matter of the application for the enrollment of
Mary A. Caulk, et al., as citizens by blood of the Cherokee
Nation, consolidating the applications of

Mary A. Caulk, et al.,
Dora Hall,

Cherokee #3149
Cherokee #3148

DECISION.

The record herein shows that applications for enrollment as citizens by blood of the Cherokee Nation were made to this Commission by Mary A. Caulk for the enrollment of herself and her minor children, Bessie, Jesse and Laura Caulk; that subsequent to the date of her original application a birth affidavit was filed with the Commission showing the birth of Otis Caulk, a child of Bessie Caulk, on May 28, 1900, and the same is made a part of the record herein; and by Dora Hall for herself. A copy of the testimony taken at Muskogee, Indian Territory, on June 25, and 26, 1903, in the case of Milton M. Caulk, Cherokee #3140, is made a part of the record herein. The record further shows that on January 30, 1903, the Commission rendered a decision in the matter of said applications and forwarded the same to the Department of the Interior for approval; that the Department did not approve said decision but under date of March 31, 1903, returned the record to the Commission for further proceedings and readjudication; that on April 23, 1903, further proceedings were had therein at Vinita, Indian Territory.

In the decision of the Commission of January 30, 1903, it is stated that the applicants herein were admitted to citizenship by the Commission to the five Civilized Tribes, under the provisions of the act of Congress, approved June 10, 1898, (29 Stats., 321), and that it appeared that no appeal had been taken from such decision. Upon further examination of the records of this Commission, however, it is found that said applicants, with other persons, made application to the Commission under the provisions of said act for admission to citizenship in the Cherokee Nation; that some of said persons, including all of the applicants herein except Otis Caulk, were admitted as citizens by blood of said Nation by said Commission; that a number of others were rejected; and that those who were rejected appealed to the United States Court for the Northern District of Indian Territory, which court sustained the decision of the Commission. (See Commission Docket B #5316 and Court Docket p. 259).

The evidence further shows that at the time of their admission to citizenship, as aforesaid, Dora Hall and Mary A. Caulk were residing in the State of Missouri, and that Mary A. Caulk did not thereafter remove to and in good faith settle in the Cherokee Nation until 1899; and it is not shown by the evidence that she owned any effects in the Cherokee Nation from the date of her admission in 1896 down to 1899.

The evidence further shows that the said Dora Hall has never removed to and in good faith settled in the Cherokee Nation; and that prior to 1900 she never owned any property or effects in said Nation. The residence of the minor applicants herein is considered to be the same as that of Mary A. Caulk with whom they have resided since birth.

The ninth paragraph of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, considered by this Commission that its decision heretofore rendered in this case on January 30, 1903, be, and the same is, hereby set aside and held for naught; and it is further the opinion of the commission that the applications for the enrollment of Mary A. Caulk, Bessie Caulk, Jesse Caulk, Laura Caulk, Otis Caulk and Dora Hall, as citizens by blood of the Cherokee Nation should be denied, under the provisions of law above quoted, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,

Chairman.

(Signed) T. B. Needles,

Commissioner.

(Signed) C. R. Breckinridge,

Commissioner.

(Signed) W. E. Stanley,

Commissioner.

Muskogee, Indian Territory,

this MAR 10 1904

Chero. 3148.

Muskogee, Indian Territory, June 10, 1902.

Dora Hall,

Vera, Indian Territory.

Madam:

You are hereby advised that on Thursday the 26th day of June, 1902, at the offices of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, testimony will be introduced tending to disprove your right to enrollment as a member of the Cherokee Tribe of Indians in Indian Territory.

If you desire you may on said day appear before the Commission either in person or by attorney, when an opportunity will be offered you to introduce any testimony you may deem necessary relative to your citizenship.

Yours truly,

Acting Chairman.

Registered.

COPY.

Cherokee 3148

Muskogee, Indian Territory, February 12, 1903.

Dora Hall,

Vera, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated January 30, 1903, rejecting your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Dixby.

Acting Chairman.

Enc. M-51

Register.

COPY.

Cherokee
2148 & 2149

Muskogee, Indian Territory, February 12, 1903.

V. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, rejecting the application for the enrollment of Dora Hall and Mary A., Bessie, Jesse, Laura and Otis Canik, as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

James D. Doby

Acting Chairman.

Enc. M-53

COPY.

Cherokees 3148 & 3149

Muskogee, Indian Territory, February 12, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Dora Hall et al., embracing the applications for the enrollment of Dora Hall, and Mary A., Bessie, Jesse, Laura and Otis Caulk, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated January 30, 1903, rejecting said applications.

Respectfully,

Tama Dixey.

Acting Chairman.

Enc. M-253

Through the

Commissioner of Indian Affairs.

D.C. 9226-1903

DEPARTMENT OF THE INTERIOR.
WASHINGTON,

J.P.

YHE

I.T.D. 2796-1903
2299- "

March 31, 1903.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 13, 1903, the Acting Commissioner of Indian Affairs transmitted the case involving the application of Dora Hall, Mary A. Caulk and her minor children, Bessie Caulk, Jessie Caulk, Laura Caulk and Otis Caulk, as citizens by blood of the Cherokee Nation, received with your letter of February 12, 1903.

Referring to paragraph 9, section 21 of the act of June 28, 1898 (30 Stat., 495), you rejected the application January 30, 1903.

It appears that applications were filed with your Commission under the provisions of the act of June 10, 1896 (29 Stat., 321), for admission of the applicants as citizens by blood of the Cherokee Nation, and that said applications were granted and no appeal was taken from such decision by the Nation.

You state that the evidence in this case shows that at the time of their "admission to citizenship", Dora Hall and Mary A. Caulk were residing in Missouri; that Mary A. Caulk did not remove to and permanently locate in the Cherokee Nation until 1899, and that Dora Hall has never removed to and located in said Nation.

The Acting Commissioner recommends that your decision be concurred in, as the Department on August 19, 1902, in the case of Charles W. Cooper, held that admission by the Court in 1896 placed

an applicant in the exact position of any other citizen of the Cherokee Nation, and that it was necessary for an applicant to have been a resident of the Nation in good faith on June 28, 1898.

The decision of the Department in the case referred to was made prior to the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case.

In view of said opinion, and of the decisions of the Department of March 17, 1903 in the case of Clement G. Clarke and the case of Elizabeth G. Payne, the case is remanded, in order that it may be readjudicated. Further testimony may be taken in regard to either applicant if you deem it necessary, or if the Nation desires it.

An argument filed by the attorney for the applicant, and the record, together with a copy of the Acting Commissioner's letter, are inclosed.

Respectfully,

(signed) Thos Ryan

3 inclosures.

Refer in reply
to the following:

Land
15348-1903
11067-1903

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 7, 1903, (I.T.D. 2299), transmitting a communication from Geo. B. Denison, Esq., of Vinita, Indian Territory, forwarding "assignment of errors" in the Cherokee citizenship case of Mary A. Caulk et al., I have the honor to enclose herewith report from the present Chairman of the Commission to the Five Civilized Tribes, dated February 12, 1903, forwarding the record in that case.

The record shows that Dora Hall made application for enrollment as a citizen by blood of the Cherokee Nation, and that Mary A. Caulk made application for the enrollment of herself and her three minor children, Bessie, Jessie and Laura Caulk, as citizens by blood of said Nation. January 24, 1902, a birth affidavit was filed with the Commission, showing that Otis Caulk was born to Bessie Caulk May 28, 1900. The record shows that Preston Davis, a non-resident, is the father of Otis Caulk, and that Bessie Caulk is his "unlawful wife."

Dora Hall, Mary A. Caulk, and some of the minor children were admitted to citizenship in the Cherokee Nation by the Commission, under the provisions of the act of June 10, 1896, and no appeal was taken from the Commission's decision. At the time that

Dora Hall, Mary A. Caulk and others were admitted they resided in the State of Missouri, and Mary A. Caulk did not remove to and permanently locate in the Cherokee Nation until the year 1899; Dora Hall has never removed to and located in the Cherokee Nation.

The Commission in its decision of January 30, 1903, quoted from paragraph 9 of section 21 of the Curtis Act, and held that the applicants were not entitled to enrollment.

The attorney for Mary A. Caulk et al., sets forth in his "assignment of errors" many alleged errors in the Commission's decision. The "assignment of errors" shows service on the attorney for the Cherokee Nation.

Inasmuch as the Department on August 19, 1902, (ITD 4642) in the Charles W. Cooper case, held that admission by the Court in 1896 placed an applicant in the exact position of any other citizen of the Cherokee Nation, and that it was necessary for an applicant to have been a resident of the Nation in good faith on June 28, 1898, the office does not consider that it is necessary to discuss said "assignment of errors." This decision of the Department seems to settle the principle involved in this case. Mary A. Caulk and the other applicants, except Dora Hall, did not become residents of the Cherokee Nation until after June 28, 1898, and they are not, therefore, under the Department's holding in the Cooper case, entitled to enrollment. Dora Hall has never removed to and permanently located in the Cherokee Nation or the Indian Territory, and she is not entitled to enrollment. The approval of the Commission's decision is recommended.

Very respectfully,

GAW-O.

Commissioner.

Cherokee 3148

Muskogee, Indian Territory, April 13, 1903.

Dora Hall,

Vera, Indian Territory.

Dear Madam:

You are hereby notified that your application for enrollment as a citizen of the Cherokee Nation has been remanded by the Secretary of the Interior for the taking of further testimony by this Commission. Evidence is particularly required as to your residence in the Cherokee Nation, and as to what property you have held in that Nation since your admission to citizenship.

This testimony can be introduced before the Cherokee Land Office of this Commission on or before May 8, 1903. When you appear, please present this letter.

Respectfully,

Chairman.

GRS

Muskogee, Indian Territory, April 13, 1903.

G. B. Denison,

Attorney for Mary A. Caulk, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby notified that the consolidated applications for enrollment as citizens of the Cherokee Nation of Dora Hall, Cherokee 3148, and Mary A. Caulk, et al., Cherokee 3149, have been remanded by the Secretary of the Interior for the taking of further testimony by this Commission.

Evidence is particularly required as to the residence of these applicants and as to what property, if any, they have held in the Cherokee Nation since their admission to citizenship. Such evidence can be presented before the Cherokee Land Office of this Commission on or before May 6, 1903.

Respectfully,

Chairman.

QHS

Muskogee, Indian Territory, April 13, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 21, 1903, remanded, for the taking of farther testimony by this Commission, the consolidated applications for enrollment as citizens of the Cherokee Nation of Dora Hall, Cherokee 3148, and Mary A. Caulk, et al., Cherokee 3149. Farther evidence is particularly required as to the residence of these applicants and as to the property they have owned in the Cherokee Nation since the date of their admission to citizenship. The applicants and their attorneys have this day been notified that any further evidence they may have to present in this case can be introduced before the Cherokee Land Office of this Commission on or before May 3, 1903.

Respectfully,

GRS

Chairman.

Cherokee
8148 and 8149.

Tahlequah, Indian Territory, July 27, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application of Dora Hall, Cherokee 8148, and Mary A. Gaulk et al., Cherokee 8149, for enrollment as citizens of the Cherokee Nation, there is transmitted herewith, the original records in said cases, together with supplemental testimony taken on April 28, 1905, in accordance with suggestions in Department letters of March 31, 1905, remanding said cases for further proceedings.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

1 enc.
EJR.

Cherokee #3148

Muskogee, Indian Territory, March 11, 1904.

Dora Hall,

Vera, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 10, 1904, in the consolidated case of Mary A. Caulk, et. al., rejecting, among others, your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, George B. Denison, Vinita, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Commissioner in Charge.

Enc. C-11.

Cherokee #3148-9

Muskogee, Indian Territory, March 11, 1904.

George B. Denison,

Attorney for Mary A. Caulk, et. al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplemental proceedings had in the matter of the application of Mary A. Caulk, et. al., for enrollment as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated March 10, 1904, rejecting the application for the enrollment of Mary A., Bessie, Jesse, Laura and Otis Caulk and Dora Hall. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Commissioner in Charge.

Enc. C-13.

COPY.

Cherokee #3148-9.

Muskogee, Indian Territory, March 11, 1904.

W. V. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 10, 1904, in the consolidated case of Mary A. Caulk, et. al., rejecting the applications for the enrollment of Mary A., Bessie, Jesse, Laura and Otis Caulk and Bora Hall, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Page 6-14.

Cherokee #3148-9.

Muskogee, Indian Territory, March 11, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mary A. Caulk, et. al., including the Commission's decision, dated March 10, 1904, rejecting the applications for the enrollment of Mary A., Bessie, Jesse, Laura and Otis Caulk and Dora Hall, as citizens by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. C-18.

Cherokee-3148-9.

COPY.

Muskogee, Indian Territory, February 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of November 26, 1904 (I. T. D. 8598-1904), there is herewith transmitted argument on behalf of the Cherokee Nation in the matter of the application for the enrollment of Mary A. Caulk, et al., as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. 8-61.

(SIGNED).

Tame Bixby
Chairman.

Through the

Commissioner of Indian Affairs.

(COPY)

W.C.V.
FHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

April 12, 1905.

D.C. 18732-1906.

I.T.D. 8898-1904.

1702-1908.

L.R.S.

Commission to the Five Civilized Tribes,

Wastogee, Indian Territory.

Gentlemen:

On March 11, 1904, you returned the record in the matter of the application for the enrollment of Mary A. Caulk, et al, as citizens by blood of the Cherokee Nation.

On January 30, 1903, you decided that the applicants in said case were not entitled to enrollment. March 31, 1903, the Department remanded the case to you with directions to permit the applicants or the nation to introduce additional testimony should they so desire. The record shows that additional testimony was taken April 23, 1903, and on March 10, 1904, you again decided that the applicants are not entitled to enrollment.

A brief has been filed by the attorney for the nation, also a reply brief by the attorney for the applicants.

It appears that Bessie, Jesse and Laura Caulk, aged 19, 17 and 15 years, respectively, are the children of the principal applicant, Mary A. Caulk. Otis Caulk was born May 28, 1900, and is the illegitimate child of Bessie Caulk. Dora Hall is the daughter of Clay Hall, and is the niece of Mary A. Caulk.

Mary A. Gaulk's mother lived in the Cherokee Nation from 1832 to 1850. She then moved to California, where Mary A. Gaulk was born. About 1854 she moved to Missouri. Mary A. Gaulk was married in 1867 to John H. Rogers, a citizen of the Cherokee Nation. She lived with him in the Cherokee Nation until his death, which occurred in 1879 or 1880. She remained in the nation for about two years after her husband's death, when she married a non-citizen and removed to Missouri. She resided outside of the Cherokee Nation from that time until 1899, during which time she claimed possession of the farm in the Cherokee Nation owned by her deceased husband, John H. Rogers, to which she returned in 1899. She states that she has been living in the Cherokee Nation "off and on for thirty years". Sometime after her return to the Cherokee Nation in 1899 she was dispossessed by her daughter and her daughter's husband. She then lived a portion of the time in a tent in the Cherokee Nation and for a short time it appears that it was necessary for her to move across the line into the Seneca Nation, at which time she claims to have left in the Cherokee Nation "a couple of hogs, a plow and a few things". She is now living in the Cherokee Nation and has possession of a farm.

The record shows that Dora Hall was born in 1878; that she lived with her father in Missouri until his second marriage, several years ago, when it seems that family relations became unpleasant and she went to live with her grandmother, who was a Cherokee citizen and who lived near Tiff City, Missouri. Her father removed to the Cherokee Nation in 1898. She continued

-3-

to reside in Missouri and has never moved to the nation. It appears that in 1900 she purchased a farm in the Cherokee Nation which is now controlled by her father.

It appears from your decision that the applicants herein were admitted as citizens by blood of the Cherokee Nation by your Commission under the act of Congress approved June 10, 1896 (29 Stat., 321), and that your decision re admitting them was affirmed by the United States Court in Indian Territory. You based your decision rejecting the applicants upon paragraph 9 of section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), which provides that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

Reporting September 28, 1904, the Indian Office recommended that your decision be reversed and that all of the applicants be enrolled.

Mary A. Caulk and her minor children, Bessie, Jesse and Laura Caulk, were not physically present in the Cherokee Nation on June 28, 1898; yet, as stated above, Mary A. Caulk had remained in possession of a farm in the Cherokee Nation since the death of her first husband which occurred in 1879 or 1880. It appears that she has since said time claimed the Cherokee Nation as her home, and while she has lived at various places outside of the nation, it does not appear that she ever became a citizen of another state. It appears that while she resided outside of the Cherokee Nation she claimed said nation as her home, and never abandoned her intention to return thereto.

-4-

Under the decision of the Department in the case of Joseph D. Yeargain, dated March 19, 1903, and the opinion of the Assistant Attorney General approved March 26, 1905, in the case of Clara A. Ward, the applicant Mary A. Caulk is entitled to be enrolled as a citizen by blood of the Cherokee Nation. The residence of her children, Bessie, Jesse and Laura Caulk, and her grandchild, Otis Caulk, being considered the same as that of said Mary A. Caulk, they are also entitled to be enrolled as citizens by blood of said nation. The Department considers that its decision of March 26, 1903, in the case of Ora M. Camp, cited by the Indian Office, is not applicable to the case of Dora Hall. Ora M. Camp returned to the Cherokee Nation within three months after reaching the age of 21 years. Dora Hall has never returned to the nation, and the evidence shows that she had no property interests in the nation for at least one year after she reached the age of 21 years. Your decision, in so far as it rejects the applicant Dora Hall, is affirmed. Said decision, in so far as it rejected all the other applicants, is reversed, and you are directed to enroll said applicants as citizens by blood of the Cherokee Nation.

Respectfully,

Thos Ryan,

Acting Secretary.

COPY.

Cherokee 3148.

Muskogee, Indian Territory, April 26, 1905.

Dora Hall,

Vera, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 10, 1904, rejecting the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 12, 1905.

Respectfully,

(SIGNED) *Tame Dixby.*
Chairman.

COPY.

Cherokee 3148

Muskogee, Indian Territory, April 25, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 10, 1904, rejecting the application for the enrollment of Dora Hall as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on April 12, 1905.

Respectfully,

SIGNED, *Tamie Bixby.*
Chairman.

COPY.

Cherokee-3143-3149.

Muskogee, Indian Territory, April 26, 1908.

George P. Denison,

Attorney for Dora Hall, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 10, 1904, rejecting the applications for the enrollment of Dora Hall and Mary A. Caulk, et al., as citizens by blood of the Cherokee Nation, was affirmed in so far as the said Dora Hall is concerned, and reversed as to the others, on April 12, 1908.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

COPY

Cherokee 3148-3149

Muskogee, Indian Territory, April 25, 1905.

W. F. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 10, 1904, rejecting the applications for the enrollment of Dora Hall and Mary A. Gaulk, et al., as citizens by blood of the Cherokee Nation, was affirmed in so far as the said Dora Hall is concerned, and reversed as to the others, on April 12, 1905.

Respectfully,

SIGNED: *Tams Dixby.*
Chairman.

Cher R 983

Trans from cher 4403

Cher R 983

Cher R 984

Cher R 984

AND ADOPTION

COMMISSION TO THE
JUL 26 1902

FILED

ACTIVE CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date June 20, 1902 1902

Name _____

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Wife's name Effie Yahilak, Maggie, IT

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

Dist.	Year	Page	No.	Age
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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See Cherokee Case # 268, p. 1

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Garfield, Indian Territory, June 20th, 1902.

In the matter of the application of Effie Yaholah for the enrollment of herself as a citizen of the Cherokee nation.

Said Effie Yaholah, being duly sworn, testified as follows through Interpreter John Israel.

Examination by the Commission.

- Q. What is your name? A. Effie Yaholah.
Q. How old are you? A. I don't know.
Q. About how old are you? A. 25.
Q. What is your post office address? A. Briggs Station.
Q. In what district do you live? A. Illinois.
Q. Who do you want to enroll? Just by yourself. A. Yes, sir.
Q. Do you claim to be a Cherokee by blood? A. Yes, sir.
Q. What degree of Cherokee blood do you claim? A. Full blood.
Q. Full blood Cherokee? Yes, sir.
Q. Are you part Creek? A. Yes, sir.
Q. Then you are not a full blood Cherokee? A. (quarter Cherokee)
Q. Do you think you are about a quarter Cherokee and three quarters Creek? A. Yes, sir.
Q. Have you ever been recognized as a citizen by the tribal authorities of the Cherokee nation? A. Yes, sir.
Q. Does your name appear upon the tribal rolls of the Cherokee nation? A. Yes, sir.
Q. What is the name of your father? A. Deequana.
Q. Is your father living? A. No, sir.
Q. Was he a Cherokee by blood; Cherokee or Creek? A. Creek/
Q. Was he a full blood Creek? A. Yes, sir.
Q. What is the name of your mother? A. Nancy Barnoskie.
Q. Is she living? A. No, sir.
Q. Was she a Cherokee by blood? A. Yes, sir.
Q. What degree of Cherokee blood did she claim? A. Half blood.
Q. Was she half Cherokee and half Creek? A. Yes, sir.
Q. Did your father ever reside in the Cherokee nation? A. Yes, sir.
Q. How long did he reside in the Cherokee nation? A. She says that he came here in 1865. She don't know how long he stayed.
Q. Did your father ever reside in the Creek nation? A. Yes, sir; she said he came from the Creek nation.
Q. How long since your father came from the Creek nation? A. About 8 years.
Q. After your father came to the Cherokee nation in 1865 did he go back to the Creek nation? A. Yes, sir.
Q. Did he live in the Creek nation from the time he returned to the Creek nation after 1865 continuously until he came back about 8 years ago? A. She says that her father came here in 1865 and lived until 8 years ago. Her mother and him parted and he went back to the Creek nation.
Q. Did your father live in the Cherokee nation continuously from the time he came here in 1865 until he returned to the Creek nation about 8 years ago? A. Yes, sir.
Q. How long has your father been dead? A. 4 years past.
Q. Where did he die? A. Creek nation.
Q. Did he reside in the Creek nation continuously from the time he went there about 8 years ago until he died about 4 years ago? A. Yes, sir.
Q. Was your father a recognized citizen of the Creek nation? A. Yes, sir.
Q. Was your mother a recognized citizen of the Cherokee nation? A. Yes, sir.
Q. Did you draw money from the Cherokee tribe? A. Yes, sir.
Q. How long did your mother reside in the Cherokee nation? A. Born & reared here.

Q. Did she reside in the Creek nation? A. Yes, sir.
Q. When did your mother go to the Creek nation? A. About 6 years ago.
Q. About 6 years ago? A. Yes, sir.
Q. How long did your mother reside in the Creek nation? A. She says her mother has been dead a year and she died in the Creek nation.
Q. Did she live in the Creek nation continuously from the time she went to the Creek nation six years ago until she died? A. Yes, sir.
Q. Did she ever draw money from the Creek nation? A. Yes, sir.
Q. Was she a recognized citizen of the Creek nation? A. She thinks not.
Q. How long have you resided in the Cherokee nation? A. She lived here until she was 19 and her father took her into the Creek nation.
Q. Were you born in the Cherokee nation? A. Yes, sir.
Q. Were you ever out of the Cherokee nation until you were 19 years old? A. No, sir.
Q. How long did you reside in the Creek nation after you went there? A. About 4 years.
Q. How long ago did you return to the Cherokee nation? A. About 2 years.
Q. Have you resided in the Cherokee nation continuously for the past two years? A. Yes, sir.
Q. Were you ever a recognized citizen of the Creek nation? A. No, sir.
Q. Did you ever draw any money from the Creek nation? A. She believes that she drew with them. She is not certain.
Q. How much did you draw when you think you drew with them? A. She don't know.
Q. What was the name of the mother of your mother? A. Allie Barneskie.
Q. Is she living? A. No, sir.
Q. Was she a citizen of the Creek nation or Cherokee nation? A. She was a Cherokee.
Q. Did she ever live in the Creek nation? A. She lived in the Cherokee nation.
Q. She never did go to the Creek nation? A. She went down to the Creek nation and she died there.
Q. How long did she live in the Creek nation; your grandmother? A. (no response)
Q. Was your grandmother a citizen of the Creek nation? A. She said she had a home in the Creek nation.
Q. Did she draw money over in the Creek nation? A. She drew once.
Q. What was the name of the father of your mother? A. Barneskie.
Q. Was he Cherokee or Creek? A. Part Creek and part Cherokee.
Q. Did he live in the Creek nation? A. He lived in this district here.
Q. Did he ever live in the Creek nation? A. No, sir.
Q. Have you ever drawn money from the Cherokee nation? A. Yes, sir.
Q. When did you draw money? A. She says she don't know. Her mother drew for her.
Q. How much did your mother draw for you? A. She don't know.
Q. Are you married? A. Yes, sir.
Q. What is the name of your husband? A. Henry Yaholah.
Q. Are you living with him now? A. Yes, sir.
Q. Has he been enrolled by this Commission? A. Yes, sir.

Reference is hereby made to the case of applicant's husband, who has been enrolled by his father, Johnson Yaholah. The title of the case of applicant's husband is Johnson Yaholah, et. al.

- Q. Were you ever married before you married Henry Yaholahi?
 A. No, sir.
 Q. In what district in the Cherokee nation were you living in 1890?
 A. Illinois.
 Q. Did you ever reside in any other district in the Cherokee nation besides Illinois? A. No, sir.
 Q. Did you ever go by any other name besides Barneskie?
 A. (No response).
 Q. Your name does not appear upon the roll of 1890. Is there any other name you could have been enrolled by? A. She said she don't know of any other name she went by.
 Q. When you were small did you live in any other family besides the family of your parents? A. (No response).

1890 authenticated roll of citizens of the Cherokee nation examined and the name of the applicant can not be found of record thereon.

- Q. By what name were you known when you married the applicant?
 A. Dequana.
 Q. Do you know the English of Dequana? A. No, sir.
 Q. Have you any sisters and brothers? A. She has a brother in the pen.
 Q. What is his name? A. Consene Barneskie.
 Q. Is Consene Barneskie your full brother? A. Yes, sir.
 Q. Did you have the same father and the same mother? A. Yes, sir.
 Q. Was your mother ever known by any other name besides Nancy?
 A. No, sir; just the one name.
 Q. What is your mother's Indian name? A. Lady in Greek and Nancy in Cherokee.
 Q. Is your brother Consene older or younger than you? A. She is older than Consene.
 Q. Did you have a brother older than Consene? A. She had one but he is dead.
 Q. What is his name? A. Wylie.

Application was made for the enrollment of Consene Barneskie, a brother of the applicant. The testimony shows that the mother of Consene Barneskie was Natcha Barneskie. Consene Barneskie was identified on the roll of 1890, page 343, #1725, as Con-sene Stealer.

- Q. Were you living in the Cherokee nation in 1896, about 6 years ago? A. She says she might have been in the Creek nation.
 Q. Have you a brother named Out Barneskie; and Sittour and Somar? Are they your brothers? A. She says the three names that you called there were her uncles.

1896 census roll of citizens of the Cherokee nation examined and the name of the applicant can not be identified of record thereon.

Jesse C. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3... day of July, 1902.

1 Seal 1

B. Jesse C. Carr

H. Renter
 Notary Public.

FILED
APR 24 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 22, 1906.

In the matter of the application for the enrollment of
Effie Yaholah as a citizen by intermarriage of the Cherokee Nation.

Mrs. Merriock sworn as interpreter.

Heavy Yaholah, being duly sworn, testified as follows:

- Q. What is your name? A. Heavy Yaholah.
- Q. You are a Cherokee by blood? A. Yes sir.
- Q. Did you get a letter from the Commission sometime ago? A. Yes sir.
- Q. Would you know the letter-- would you know it if you heard it read? (Interpreter reads letter to witness.) A. I think that is the same letter. The reason I didn't come in was because my wife was sick and I didn't get to town and didn't get the letter until last Saturday.
- Q. Are you married? A. Yes sir.
- Q. What is your wife's name? A. Effie, or Wynie.
- Q. Is she part Cherokee and part Creek? A. Yes sir.
- Q. Did your wife appear before the Commission on June 20, 1902, at Garfield, Indian Territory? A. No sir, she did not appear before the Commission at Garfield.
- Q. What is your wife's mother's name? A. Rhoda.
- Q. What is her other name? A. Pinosky.
- Q. Do you know under what name she was enrolled in the Creek Nation? A. Rhoda Washington.
- Q. Has your wife made application to the Creek Nation? A. Yes sir.
- Q. Has she been finally enrolled as a Creek and has she taken an allotment in the Creek Nation? A. Yes sir.
- Q. Have you been married more than once? A. No sir, just one time. This is my first wife.
- Q. Was your wife born in the Cherokee Nation? A. Yes sir.
- Q. It appears from the record of the Commission that one, Effie Yaholah is listed on Cherokee Field card No. 9193, and it also appears that one Wynie Washington is listed for enrollment on Creek card No. 106. Is the Effie Yaholah, listed on the Cherokee card, the same person as the Wynie Washington who is listed on the Creek card? A. They are one and the same person.
- Q. Do you know the names of some of her brothers and sisters? A. Yes sir.
- Q. What are they? A. Wesley, George, Austin.
- Q. What was the name of Rhoda Washington's last husband? A. Peter Washington.

(Effie Yaholah is a duplicate of Wynie Washington on Creek card No. 106. She has taken an allotment in the Creek Nation.)

- Q. Has she got her deed to the allotment in the Creek Nation? A.

--2--

Yes sir.

WITNESS EXCUSED.

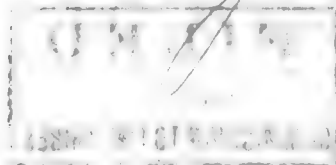
Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 22nd. day of April, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 24th. day of April, 1905.

Myron White

Notary Public.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Effie Yahelah as a citizen by blood of the Cherokee Nation.

DECISION.

IT APPEARS FROM THE RECORD HEREBIN: That on June 20, 1902, Effie Yahelah appeared before this Commission at Garfield, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation. Additional proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 22, 1905.

The records of the Commission further show that said applicant, Effie Yahelah, has heretofore been enrolled as a citizen by blood of the Creek Nation, her name, as Winny Washington, appearing as No. 384 upon the list prepared by this Commission, of persons entitled to enrollment as citizens by blood of the Creek Nation and approved by the Secretary of the Interior March 13, 1902, and as such citizen has voluntarily selected her allotment of lands in said Nation.

IT IS THEREFORE, THE OPINION OF THIS COMMISSION: that the application for the enrollment of Effie Yahelah as a citizen by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 26, 1896 (30 Stat., 499), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman


Commissioner


Commissioner

Dated at Muskogee, Indian Territory,
this JUN 24 1905

Cherokee #0193.

Vinita, Indian Territory, January 30th, 1904.

Creek Enrollment Division,

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Will you please inform the Cherokee Enrollment Division whether application has been made for the enrollment, as a Creek citizen, of Effie Yaholah, who is the daughter of Dequianna and the wife of Johnson Yaholah; and if so, what disposition has been made of the application.

Respectfully,

Clerk in Charge.

[illegible]

the number of defendants and the title of the Court's opinion in the
for the defendant' as a check of 'tion' of the Court's opinion' and
for of January 20, 1902, which is the number of the Court's opinion' and

பெண் குழந்தை:

THE GREEK PROJECTIONS DATA, ON THE PROJECTION OF 1960-1961

Amesbury, Mass., 1900.

STAFF OFFICE OF CHIEF OF POLICE

B. C. Torrey.

Прокладка, изготвена по проекта на ИОТ

Black : 2007

319.

9:93

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Creek Enrollment

Muskogee, Indian Territory, February 6, 1903.

P. G. Reuter,

Clerk in charge of Cherokee Land Office,
Vinita, Indian Territory.

Dear Sir:

The Creek Enrollment Division is in receipt of your letter of January 30, 1903, asking whether application has been made for the enrollment, as a Creek citizen, of Effie Yaholah, who is the daughter of Dequianna and the wife of Johnson Yaholah; and if so, what disposition has been made of the application.

Replying thereto, you are advised that the records of this office show that no person by the name of Effie Yaholah is listed for enrollment as a citizen of the Creek Nation; that no application has been made for her enrollment as a citizen of said nation; that her name cannot be found on any of the authenticated Creek tribal rolls now in the possession of the Commission; and that she has never been admitted to citizenship in the Creek Nation by the duly constituted authorities of said nation, or the Commission to the Five Civilized Tribes.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee 8193

Muskogee, Indian Territory, March 16, 1908.

Commission to the Five Civilized Tribes,
Creek Enrollment Division.

Gentlemen:

The records of the Commission show that on June 20, 1903, Effie Yaholah appeared before this Commission and made application for enrollment as a citizen of the Cherokee Nation. She, at that time, stated that her father was a full blood Creek, and, that she, at different times, has gone by the names of Yaholah, Barneskie and Deequana.

The Cherokee Enrollment Division desires to be informed whether or not said applicant has made application for enrollment as a citizen of the Creek Nation under any of these names.

Respectfully,

SIGNED. *Tams Birby*
Chairman.

COPY

Cherokee 9193.

Muskogee, Indian Territory, March 16, 1905.

Effie Yaholah,

Briggs Station, Indian Territory.

Dear Madam:

The Commission has been unable to identify you upon any of the tribal rolls of the Cherokee Nation, and you will, therefore, be permitted to appear before this Commission, at its offices at Muskogee, Indian Territory, on April 6, 1905, and give testimony showing that your name does appear on said rolls.

Respectfully,

Register.

(SIGNED)

Tame Dixie

Chairman.

COMMISSIONERS.
TAMM BIXBY,
THOMAS A. NEEDLES,
C. E. BRECKINRIDGE.
WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

74124

NOTE IN REPLY TO THE FOLLOWING:
Cherokee 9193.

Muskogee, Indian Territory, March 23, 1905.

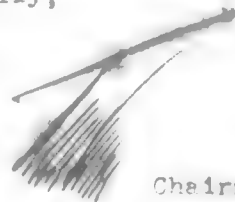
Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

The Commission is in receipt of your letter of March 16, 1905, in which you state that Effie Yaholah appeared before the Commission and made application to be enrolled as a citizen of the Cherokee Nation, and that she stated at the time that her father was a full blood Creek, and that she has at different times gone by the names of Yaholah, Barnoskie and Deequana. You ask to be advised whether or not said applicant has made application for enrollment as a citizen of the Creek Nation under any of these names.

In reply you are advised that the records of the Commission have been examined and it does not appear that application has been made to it for the enrollment of said Effie Yaholah, as a citizen of the Creek Nation, under any of the names stated, nor does it appear that she has been listed for enrollment as such.

Respectfully,



Chairman.

COPY

Cherokee-9193.

Muskogee, Indian Territory, June 28, 1906.

Effie Yaholah,

Braggs, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1906, rejecting the application for your enrollment as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-58
Register

SIGNED

Tama Eixby

Chairman.

COPY

Cherokee-9193,

Muskogee, Indian Territory, June 28, 1908.

V. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1908, rejecting the application for the enrollment of Effie Yaholah as a citizen by blood of the Cherokee Nation,

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: *Jane Dixby.*

Chairman.

Incl. 8-89

COPY.

Cherokee-9193.

Wuskogee, Indian Territory, June 28, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Effie Yaholah as a citizen by blood of the Cherokee Nation, including the Commission's decision dated June 28, 1905, rejecting said application.

Respectfully,

SIGNED, *Jame Dixby*,
Chairman.

Incl. 2-60

Through the

Commissioner of Indian Affairs.

D. O. 38474-1908
I.T.D. 8272-1908

L H S

(COPY)

W.C.F.
FHE
Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

August 7, 1908

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory.

Sir:

June 28, 1908, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Effie Yaholah as a citizen by blood of the Cherokee Nation, including its decision of the same date, rejecting said application.

Reporting July 14, 1908, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN

Acting Secretary

1 inclosure

(COPY)

Refer in reply
to the following

Land
50394-1905

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS
WASHINGTON.

JULY 14, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation by Effie Yaholah.

June 28, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant has heretofore been enrolled as a citizen by blood of the Creek Nation, her name, as Winny Washington, appearing at No. 384 of a list of citizens by blood of the Creek Nation approved by the Department March 13, 1902, and that she has voluntarily selected her allotment of lands in the Creek Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M. M. H.

Cherokee 9193.

COPY

Muskogee, Indian Territory, August 19, 1905.

Effie Yaholah,

Braggs, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 26, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 7, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED

Wm. O. Seale
Acting Commissioner.

IS

Incl. S-85

Cherokee 9193.

COPY.

Muskogee, Indian Territory, August 19, 1906.

W. F. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the application for the enrollment of Effie Yaholah as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 7, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED,

Wm. S. Brice
Acting Commissioner.

18

Incl. 3-84

Cher R 985

Trans from cher D 2227

Cher R 985

Cher R 986

Trans from Cher D 2640

Cher R 986

R.
Char. D-2640.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 15, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS IN the matter of the enrollment of JAMES H. DEGE as a citizen by blood of the Cherokee Nation.

GEORGE W. MAYES, being first duly sworn, and being examined, testified as follows:

BY COMMISSIONER: What is your name? A George W. Mayes.
Q How old are you? A Fifty-three.
Q What is your post office address? A Pryor Creek.
Q You are a recognized citizen by blood of the Cherokee Nation?
A Yes sir.
Q Do you know James H. Dege? A Yes sir.
Q He is a young man now about thirty-four years of age? A Yes sir.
Q Do you know his present post office address? A No sir.
Q Do you know his present whereabouts? A No sir, I do not.
Q Is he a Cherokee by blood? A I believe he is. I think he is a brother of this Charles F. Dege, and his parents lived over there at Pryor Creek a while. He never lived there with them. He was there once or twice.
Q Do you know the name of his father? A No sir, I do not.
Q Do you know the name of his mother? A No, I don't know the name of his mother. His father is dead and his mother has left the country.
Q Was his father a full blood Cherokee by blood? A No sir.
Q Was his mother a Cherokee by blood. She is a recognized Cherokee I think she is a Taylor, her maiden name.
Q How long have you known James H. Dege? A It has been about eight years, I guess, since I saw him last. I never saw him but a few times, got acquainted with him at Pryor Creek.
Q Has he lived in the Cherokee Nation continuously since that time?
A No sir.
Q How long has it been since he left the Cherokee Nation?
A He never did live here. His father and mother moved here from North Carolina, I think, and he came here on a visit to see them.
Q Do you know whether or not he was admitted to citizenship in the Cherokee Nation? A No sir, I do not.
Q Were his parents admitted to citizenship? A I think they were, I am not certain of that. They lived here a good while.

MR. HASTINGS: What is your information as to where his home is, not from your own knowledge, but from your information?

A Somewhere in Oregon.

Q His home never was here? A Never was here.

Q Only here on a visit to see his relatives? A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 146, #1296, James H. Dege, Cooweescoowee District, age 23.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this 27th day of August, 1902.

John P. Mason
Notary Public

3647

Cherokee-D-2640.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 30, 1905.

In the matter of the application for the enrollment of
James H. Dage as a citizen by blood of the Cherokee Nation.

Laura Alice Hegan, being duly sworn, testified as follows
on behalf of the applicant:

COMMISSION:

- Q. What is your name? A. Laura Alice Hegan.
Q. What is your post office address? A. Pryor Creek.
Q. How old are you? A. 38 years old.
Q. Are you related to James H. Dage? A. I am a sister of his.
Q. A full sister? A. Yes sir.
Q. Same father and mother? A. Yes sir.
Q. Are you on the final roll? A. My husband has already
filed for me.
Q. You are a Cherokee by blood? A. Yes sir.
Q. Is James H. Dage living? A. Yes sir.
Q. Where is he? A. Tacoma, Washington.
Q. Where was he born? A. Washington, D.C.
Q. Who was his father? A. John Henry Dage.
Q. Is he living? A. No sir.
Q. When did he die? A. Five years ago last September.
Q. What is his mother's name? A. Laura Alice Dage.
Q. Is she living? A. Yes sir.
Q. Where? A. Cincinnati.
Q. Is she on the final roll? A. Yes sir.
Q. Did your brother ever live in the Cherokee Nation? A. No
sir.
Q. How old is he? A. 37. He was born in 1868.
Q. Did he request you to appear for him today? A. Yes sir,
he requested me to appear, and I had a letter from the Commis-
sion two or three days ago requesting that I appear today.
Q. Does he claim any rights as a Cherokee? A. Yes sir.
Q. He has never lived here? A. No sir.
Q. Is your brother married? A. Yes sir.
Q. Got any children? A. No sir.
Q. When was he married? A. The 16th. of this last January.
Q. First time? A. Second time.
Q. Married both times out in Washington? A. Yes sir.
Q. He never had any property in the Cherokee Nation did he? A.
No sir.
Q. How much Cherokee blood have you got? A. About one six-
teenth.
Q. Have you any more evidence to introduce? A. No, I guess
not.
Q. Do you know whether or not he wants to introduce any more
testimony? A. Not that I know of. He just wanted me to

testify that he was a Cherokee by blood, and that I was his sister.

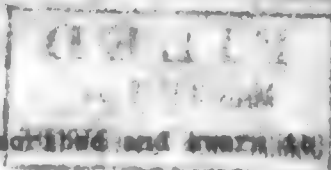
- Q. How long has your brother lived in Washington? A. About 16 or 17 years, as well as I remember.

The applicant will be notified by registered mail of the action of the Commission.

CASE CLOSED.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 30th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson



Subscribed and sworn to before me this the 31st. day of March, 1905.

Myron White
Notary Public.

C78
B60

Cherokee B 2040

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
James H. Dege as a citizen of the Cherokee Nation.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That, at Muskogee,
Indian Territory, on June 30, 1902, Ernest Starr appeared before
the Commission to the Five Civilized Tribes and made application
for the enrollment of James H. Dege as a citizen of the Cherokee
Nation. Further proceedings in the matter of said application
were had at Tahlequah, Indian Territory, on August 15, 1902, and
at Muskogee, Indian Territory, March 30, 1903.

THE EVIDENCE IN THIS CASE SHOWS: That James H. Dege was
born in Washington, D.C. in 1868, and is a son of one Laura A. Dege,
who, in 1868, was admitted to citizenship in the Cherokee Nation,
by the properly constituted authorities of said Nation, the said
James H. Dege being at that time a minor member of his mother's
family. It is further shown that the applicant never removed to
and permanently located in the Cherokee Nation, but has always re-
sided outside the limits of the domain of the Five Civilized Tribes.

An act of the Cherokee National Council passed December
4, 1894, provides:

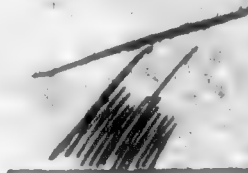
"That all persons who have been or may hereafter be
readmitted to citizenship in the Cherokee Nation, are
hereby required to permanently locate within the limits
of the Cherokee Nation within six months from the passage
of this act, or from the date of readmission of persons
hereafter readmitted, or no rights whatever shall accrue
to such persons by reason of such readmission: Provided,
that nothing in this act shall bar minors and orphans."

The name of the applicant, James H. Dege is found upon
the 1896 census roll of the Cherokee Nation.

Section twenty-one of the Act of Congress approved June 20, 1896 (30 Stat., 495), in part, provides:

"And they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under the Cherokee laws."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the enrollment of the applicant on the 1896 Cherokee census roll was without authority of law, and should be eliminated and stricken therefrom, and that, under the provisions of Section Twenty-one of the Act of Congress approved June 20, 1896 (30 Stat., 495), James H. Dege is not entitled to be enrolled as a citizen by blood of the Cherokee Nation, and his application for enrollment as such is accordingly denied.



COMMISSIONER

Muskogee, Indian Territory,

this AUG 31 1905

COPY

Cherokee D-2640

Muskogee, Indian Territory, February 27, 1905.

James Henry Dage,

Tacoma, Washington.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, wherein you state that your sister, Mrs. Laura Alice Hogan, of Pryor Creek, Indian Territory, could furnish this Commission with all the facts pertaining to your right to enrollment as a citizen of the Cherokee Nation, and request that she be allowed to appear before the Commission and testify in your behalf.

In reply thereto you are informed that your sister may appear before this Commission, at Muskogee, Indian Territory, and give testimony touching your right to enrollment as a citizen of the Cherokee Nation.

Respectfully,

(SIGNED).

Tams Dixby, Chairman.
Commissioner in Charge.

COPY.

Cherokee D-2640.

Muskogee, Indian Territory, March 21, 1905.

Mrs. Laura Alice Hogan,

Pryor Creek, Indian Territory.

Dear Madam:-

You are hereby notified that you will be permitted to appear before this Commission at its office in Muskogee, Indian Territory, at 1 o'clock P. M., on Thursday, March 30, 1905, and give testimony relative to the application of your brother, James Henry Dage, for enrollment as a citizen of the Cherokee Nation.

Respectfully,

(SIGNED).

Jane Bixby.

Chairman.

Register.

COPY.

Cherokee D-2640.

Muskogee, Indian Territory, March 21, 1905.

W. W. Hastings,

Attorney for Cherokee Nation.

Dear Sir:

You are hereby informed that the Commission has this day notified Mrs. Laura Alice Hogan, of Pryor Creek, Indian Territory, that she will be permitted to appear before this Commission, at Muskogee, Indian Territory, at 1 o'clock on Thursday, March 30, 1905, for the purpose of giving testimony relative to the application of her brother, James Henry Dage, for enrollment as a citizen of the Cherokee Nation.

Respectfully,

(SIGNED).

James Dixby.

Chairman.

COPY.

Cherokee D-2840.

Muskogee, Indian Territory, March 31, 1908.

Mrs. Laura Alice Hogan,

Fryer Creek, Indian Territory.

Dear Madam:-

You are hereby notified that you will be permitted to appear before this Commission at its office in Muskogee, Indian Territory, at 1 o'clock P. M., on Thursday, March 30, 1908, and give testimony relative to the applications of your brother, James Henry Dage, for enrollment as a citizen of the Cherokee Nation.

Respectfully,

(SIGNED).

James Bixby.

Chairman.

Register.

COPY.

Cherokee D-2840.

Muskogee, Indian Territory, March 21, 1906.

James Henry Dege,
Tacoma, Washington.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, wherein you request that your sister, Mrs. Laura Alice Hogan, of Pryor Creek, Indian Territory, be informed on what date she may appear before this Commission and give testimony relative to your application for enrollment as a citizen of the Cherokee Nation.

The Commission has this day informed your sister that she may appear before this Commission on March 30, 1906, and give such testimony.

Respectfully,

SIGNED: *Tarns Bixby.*
Chairman.

C 2640

INDEXED

COMMISSION TO FIVE TRIBES.			
No.	Received	Date	Time
12725	MAR 17	1905	
1905			

C 2640

Dege, James Henry,
Tacoma, Wash.,
March 8, 1905.

Asks that his sister be notified
when to appear in his Cherokee
citizenship case.

CHEROKEE ENROLLMENT,

SOLE AGENTS FOR

MARY ELLEN AND MARK
AND ALICE. MARK A CO.
HARD TAILOR & CLOTHES.
"THE BEST"
MILLEN, STEEL & MOBILE
BEST MAKE OF HATS DASHERY
AT HONOLULU, HAWAII.

DICE & MINER,
CLOTHIERS, FURNISHERS AND HATTERS.
1110-1112 PACIFIC AVENUE.

TELEPHONE MAIN 129

Tacoma, Wash. March 8, 1905.

Cherokee D-2640

Don. C. R. Breckenridge, Commissioner in Charge.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

Your kind favor of the 27th ult., has been received, in reference to my right to enrollment as a citizen of the Cherokee Nation. I am much pleased to be informed that you will allow my sister, Mrs Laura Alice Hogan of Pryor Creek, Indian Territory, to appear before your honorable Commission and testify as to my right to enrollment as a citizen of the Cherokee Nation. I have written to my sister asking her to appear before the Commission for me and will thank you to notify her when she is wanted.

Please allow me to thank you for your promptness in this matter
I appreciate it very much.

This being our spring season and we are quite busy it would be hard for me to get away from Tacoma.

Respectfully,

Respectfully,
James Henry Dege.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

COPY.

Muskogee, Indian Territory, September 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of James H. Dege as a citizen by blood of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1905, rejecting said application.

Respectfully,

(SIGNED)

W. O. Bull

Acting Commissioner.

Incl. 61-181.
GHL

Through the
Commissioner of Indian Affairs.

Cherokee
D-2610.

Copy

Muskogee, Indian Territory, September 7, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed you herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1906, rejecting the application for the enrollment of James R. Dege as a citizen by blood of the Cherokee Nation.

You are advised that the record of proceedings had in this case, including the decision of the Commissioner, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Department's action as soon as this office is informed of the same.

Respectfully,

(SIGNED)



Acting Commissioner.

Incl. GL-180.
GHL

Cherokee
D-2610.

COPY.

Muskogee, Indian Territory, September 7, 1905.

James H. Dege,

Tacoma, Washington.

Dear Sir:

There is inclosed you herewith a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1905, rejecting said application.

You are advised that the record of proceedings had in this case, including the decision of the Commissioner, has this day been forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Department's action as soon as this office is informed of the same.

Respectfully,

SIGNED,



Acting Commissioner.

Incl. CI-179.
CHL

Cherokee D-2640.

Muskogee, Indian Territory, November 25, 1905.

James H. Dege,

Tacoma, Washington.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1905, reflecting the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 7, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-177

Acting Commissioner.

Cherokee D-2640.

Muskogee, Indian Territory, November 26, 1905.

W. F. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1905, rejecting the application for the enrollment of James H. Dege as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 7, 1905.

For your information, there is inclosed herewith a copy of Departmental decision above referred to.

Respectfully,

Incl. S-178

Acting Commissioner.

(COPY)

D.C. 51258-1905
I.T.D. 14334, 1905

Y.P.
LLB

L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 7, 1905

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

September 7, 1905, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of James H. Bage as a citizen by blood of the Cherokee Nation. Reporting October 30, 1905, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision dated August 31, 1905, is hereby affirmed.

Respectfully,

(Signed) THOS RYAN

First Assistant Secretary

1 inclosure.

(C O P Y)

Land
72304-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. October 30, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 7, 1905, transmitting the record of the application for enrollment as a citizen of the Cherokee Nation by James H. Dege.

August 31, 1905, the Commissioner decided adversely to the applicant.

The record shows that the applicant was born in Washington, D.C. in 1868, and is a son of one Laura A. Dege, who, in 1888 was admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof, the applicant being then a minor member of his mother's family.

It is further shown that the applicant never removed to the Cherokee Nation but has always resided outside of the Indian Territory. His name is found upon the 1896 Cherokee Census Roll.

An act of the National Council passed December 4, 1894, provides:

That all persons who may have been or may hereafter be readmitted to citizenship in the Cherokee Nation are hereby required to permanently locate within the limits of the Cherokee Nation within six months from the passage of this act, or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission: Provided that nothing in this act shall bar minors and orphans.

In view of the record and of the act cited the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.M.M. (W)

Cher R 987

Trans from Cher D 3181

Cher R 987

Cher R 988

Trans from Cher D3109

Cher R 988

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. JANUARY 20, 1902.
MUSKOGEE LAND OFFICE.

IN THE MATTER OF THE APPLICATION Cinda to take an allotment of land in the Creek Nation for herself, her son, Arlecher, and her mother, Nancy, accompanied by a proper description of the land applied for and a certificate showing that they have been listed for enrollment as citizens of the said nation.

CINDA, being first duly sworn by W. T. Martin, a notary public, testified as follows through official interpreter, J. H. Lynch:

- Q What is your name? A Cinda.
- Q What is your post office address? A Melvin, I. T.
- Q Are you a citizen of the Muskogee Nation? A Yes sir.
- Q To what town do you belong? A Taskegee.
- Q Are the persons named in this application now living?
- A Yes sir.
- Q Are they citizens of the Muskogee Nation? A Yes.
- Q To what town does Arlecher and Nancy belong? A Taskegee.
- Q How long have the persons named in this application lived in the Creek Nation? A Never have lived in the Creek Nation. Lived in the Cherokee Nation.
- Q How long have they lived in the Cherokee Nation?
- A My mother, Nancy, came from the old country to the Cherokee Nation, and me and my son have lived in the Cherokee Nation all our lives.
- Q Have any of these parties been outside of the territory in the last four years? A None only Arlecher, he was sent to the reform school at Booneville Missouri, and is there yet.
- Q Why does not your mother, Nancy, appear here any make application herself for an allotment of land in the Creek Nation?
- A She is very old and infirm, and not able to come.
- Q Do you or any of the other persons named in this application own homes in the Creek Nation? A None of us, no.
- Q You make application for the W. 1/2 of the S. W. 1/4 and the S. E. 1/4 of S. W. 1/4 of Sec. 22, and the N. W. 1/4 of N. W. 1/4 of Sec. 27, T. 18 N., R. 17 E., containing 160 acres, for yourself, is that correct? A Yes sir.
- Q Are there any improvements on this land? A No.
- Q Does any one else claim this land or any part of it? A No.
- Q Have you been over and examined it with a view to making this application? A Yes, about a month ago.
- Q Is it prairie or timber land? A Prairie.
- Q You make application for the S. E. 1/4 of Sec. 12, T. 18 N., R. 16 E., containing 160 acres, for your son, Arlecher, is that correct?
- A Yes sir.
- Q Are there any improvements on that land? A No sir.
- Q Does anyone else claim this land or any part of it? A No.
- Q Have you been over this land and examined it? A Yes.
- Q When? A About a month ago.
- Q Is it prairie or timber land? A Timber.
- Q You make application for the S. W. 1/4 of Sec. 12, T. 18 N., R. 17 E., containing 160 acres, for your mother, Nancy, is that correct?
- A Yes sir.
- Q Are there any improvements on that on that land? A No.
- Q Does anyone else claim that land or any part of it? A No.

Cinda--2---

- Q Have you been over and examined it with a view to making this application for it? A Yes sir, about a month ago.
Q Is it a prairie or timber land? A Timber.
Q Are these tracts of land suitable for homes for the persons named in this application? A Yes sir.
Q Do you accept this land as the final allotments for yourself, your son and your mother? A Yes sir.
Q Have you made these selections in good faith in all respects? A Yes sir.
Q Are there any churches, school houses, court houses or burial grounds on this land? A No sir.

her
(Signed) Cinda x
mark

Attests: (Signed) J. H. Lynch
D Kate DeBord.

(SEAL)

Subscribed and sworn to before me at Muskogee, I. T. this 20th day of January, 1902.

(Signed) William T. Martin.
Notary Public.

Louise Smith, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above copy and that same is a true and correct copy of the original transcript.

Louise Smith

Subscribed and sworn to before me this August 22, 1905.

William T. Martin
Notary Public.

QD3109

Filed Sept
3 1902

R.
Char. D-3109.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 22 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of LUCINDA CREEK as a citizen by blood of the Cherokee Nation.

KEY KETCHER, being first duly sworn, and being examined, testified as follows, through sworn interpreter Sam Foreman.

BY COMMISSIONER: What is your name? A Key Ketcher.
Q How old are you? A Fifty-eight.
Q What is your post office address? A Tahlequah.
Q You are a recognized citizen by blood of the Cherokee Nation?
A Yes sir.
Q Do you know Lucinda Creek? A Yes sir.
Q What is her post office address? A Melvin.
Q Does she reside in Tahlequah District? A yes sir.
Q Is she a Cherokee by blood? A No sir, she is a Creek.
Q Is she a full blood Creek? A Yes sir.
Q Do you know the name of her father? A No sir.
Q Do you know the name of her mother? A Nancy.
Q Do you know her full name? A No sir, I don't know her full name.
Q Is she living? A Yes sir, living down there by Melvin.
Q Is she a Creek? A yes sir.
Q Is she a citizen of the Cherokee Nation?
A No sir, I could not state positively whether she is a citizen here or not. She never drew any money or got any interest that I know of only just resides here.
Q Is Lucinda Creek a woman now about fifty-six years of age?
A yes sir, probably sixty.
Q Do you know whether or not Lucinda Creek is enrolled in the Creek Nation? A No sir, I don't.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 1155, #394, Lucinda Creek, Tahlequah District, age 30.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 30th day of August, 1902.

John H. Pearson
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D. C., June 30, 1904.

In the matter of the application of J. C. BARNETT, ET AL.,
for enrollment in the Cherokee Nation.

That the same, being duly sworn and examined by the Commission,
testify as follows:

- Q What is your name? A J. C. Barnett.
Q What is your age? A Fifty-one years.
Q What is your post office address? A Cherokee, N. C.
Q Are you a citizen or blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Lucinda Creek #694n Tahlequah District.

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1896
Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this December 9, 1902.

B. C. Jones
Notary Public.

C7B

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lucinda Creek, et al., as citizens of the Cherokee Nation, consolidating the applications of:

Lucinda Creek
Lucy (Lawoy) Bean
Leach Hare

Cherokee D 3109,
Cherokee D 3102,
Cherokee D 3121.

DECISION.

The records of this office show that at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Lucinda Creek, Lawoy Bean and Leach Hare as citizens of the Cherokee Nation. Copies of the testimony taken at Muskogee, Indian Territory, on January 30, 1902, in the matter of the applications of Cinda for herself and minor son, Arleacher, and by Lucy for herself, to take allotments of land in the Creek Nation, are filed herewith and made a part of the record herein.

Further proceedings in the matter of the application of Leach Hare for enrollment as a citizen of the Cherokee Nation were had at Muskogee, Indian Territory, on August 12 and 17, 1905, in which it developed that the correct name of Lawoy Bean is Lucy Bean, and she will now be listed for enrollment as Lucy Bean.

The evidence in this case shows that the applicants herein are Cherokees by blood, and that they are duly identified on the 1896 census roll of the Cherokee Nation. It is further shown that the said Lucinda Creek, Lucy Bean and Leach Hare possess the right to enrollment as citizens by blood of the Creek Nation; that their names appear upon a partial roll of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 26, 1902, as Cinda, Arleacher and Lucy, opposite Nos. 8307, 8308 and 8309 respectively, and that they have voluntarily selected their allotments of land in said Nation.

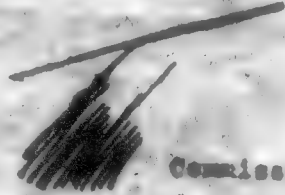
Section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, ordered and adjudged that under the provisions of the law above noted, Lucinda Creek, Lucy Bean and

-2-

Leach Ware are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.



Commissioner.

Dated at Muskogee, Indian Territory,

this OCT 4, 1905

Cherokee D-3109.

Vinita, Indian Territory, March 14th, 1903.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

Lucinda Creek, 36 years old, has been listed on Cherokee doubtful card 3109. She is said to be a full blood Creek Indian. Will you please inform the Cherokee Enrollment Division whether application has been made for her enrollment as a citizen of the Creek Nation and whether she has been so enrolled.

Respectfully,

Clerk in Charge.

COMMISSIONERS
TAMM BERRY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANTLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON L. ANDERSON
SECRETARY

204 a
Muskogee, Indian Territory, March 21, 1903.

P. G. Reuter,

Clerk in charge Cherokee Land Office,
Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 14, 1903, asking if Lucinda Creek, aged 56 years, has made application for enrollment as a citizen of the Creek Nation, and whether she has been so enrolled.

Replying thereto, you are advised that the records of this office show that no person by the name of Lucinda Creek has been listed for enrollment as a citizen of the Creek Nation; that her name is not found on any of the Creek tribal rolls now in the possession of the Commission; that she was never admitted to citizenship by the Creek tribal authorities, or the Commission to the Five Civilized Tribes, or the United States court in Indian Territory.

Respectfully,

Chairman.

Cherokee D-2108-

COPY.

Muskogee, Indian Territory, August 19, 1908.

Chief Clerk,

Creek Land Office.

Dear Sir:

You are requested to furnish the Cherokee Enrollment Division with a copy of the testimony given by "Cinda" in connection with her application for the selection of allotments of land in the Creek Nation for herself and child, "Alecher".

They are listed for enrollment on Creek Indian card, Field No. 3066.

Respectfully,

(SIGNED).

H. M. Beall
Acting Commissioner.

COPY.

Cherokee, 3109,
~~3109, 3102~~

Muskogee, Indian Territory, August 30, 1906

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

You are requested to advise the Cherokee Enrollment Division the date of the approval of the Creek Indian schedule upon which appear the names of Nancy, Cindy, Lucy and Arlecher, and the numbers opposite which they appear on the schedule. It is understood that they are listed for enrollment on Creek Indian card No. 3066. Application has been made for the enrollment of Cindy, Lucy and Arlecher as citizens by blood of the Cherokee nation, and they have been listed for enrollment under the names of Lucinda Creek, Lucy Bean and Leech Hare, upon Cherokee Enrollment cards Nos. D 3109, D 3102 and D 3121, respectively.

An early reply is requested.

Respectfully,

ENCLOSURE.

Tame Dixby.

Commissioner

LMB

Muskogee, Indian Territory, October 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated applications of Lucinda Creek, et al., including the Commissioner's decision dated October 4, 1906, rejecting the applications for the enrollment of Lucinda Creek, Lucy Bean and Leech Hare as citizens by blood of the Cherokee Nation.

Respectfully,

Special Agent

Incl. 3-9

Commissioner.

Through the

Commissioner of Indian Affairs.

Cherokee D-3109,

et al.

Muskogee, Indian Territory, October 4, 1905.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 4, 1905, rejecting the applications for the enrollment of Lucinda Creek, Lucy Bean and Leach Ware as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. 8-0

James F. Taylor
Commissioner.

Cherokee D-3109.

Muskogee, Indian Territory, October 4, 1905.

Lucinda Creek, --

Hulbert, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 4, 1905, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

~~CHIEF~~

100710 11-1-05
Commissioner.

Incl. 3-5
Register

Cherokee D-3109,

et al.

Copy.

Muskogee, Indian Territory, November 27, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 4, 1905, reflecting the applications for the enrollment of Lucinda Creek, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 16, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

WIG

W. W. Hastings
Attorney for the Cherokee Nation

Incl. S-205

Cherokee D-3109.

COPY.

Muskogee, Indian Territory, November 27, 1905.

Lucinda Creek,

Hulbert, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 4, 1905, rejecting, among others, the application for your enrollment as a citizen by blood of the Cherokee nation, was affirmed by the Secretary of the Interior on November 16, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-203

SIGNED:

John L. B. G. H.
Acting Commissioner

D. C. 32210-1905
I.T.D. 14916-1905.
LRS

(C O P Y)

Y.P.
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 16, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 4, 1905, you transmitted the record in the matter of the application for the enrollment of Lucinda Creek, Lawcy Bean, and Leach Hare as citizens by blood of the Cherokee Nation.

Reporting November 10, 1905, the Indian Office recommended that your decision, adverse to the applicants be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision dated October 4, 1905, is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary.

1 inclosure.

(C O P Y)
3 Enclos. --Copy--

Land.
81821-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. Nov. 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the wife of Civilized Tribes, dated October 4, 1905, transmitting the record of the consolidated applications for enrollment as citizens of the Cherokee Nation by Emmet Starr for Lucinda Creek, Lawcy Bean and Leach Hare.

October 4, 1905, the Commissioner decided adversely to all the applicants.

The record shows that the applicant's names appear upon a partial roll of citizens by blood of the Creek Nation, approved by the Department March 28, 1902, as Cinda, Arleacher, and Lucy, opposite numbers 8307, 8308 and 8309 respectively, and that they have voluntarily selected their allotments of land in the Creek Nation.

In view of the record and of Section 28 of the Act of July 1, 1902, (32 Stats., 716) the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

M.F.M.-NL.

C. F. Larrabee
Acting Commissioner.

Cher R 989

Trans from Cher D 3102

Cher R 989

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. JANUARY 20, 1902.
MUSKOGEE LAND OFFICE.

IN THE MATTER OF THE APPLICATION OF Lucy to take an allotment of land for herself, in the Creek Nation, accompanied by a proper description of the land applied for and a certificate showing that she has been listed for enrollment as a citizen of the said nation.

LUCY, being first duly sworn by W. T. Martin, a notary public, testified as follows through official interpreter, J. H. Lynch:

- Q What is your name? A Lucy.
Q What is your post office address? A Melvin, I. T.
Q Are you a citizen of the Muskogee Nation? A Yes sir.
Q To what town do you belong? A Taskegee.
Q How long have you lived in the Creek Nation? A Never did.
Q Have you been outside of the territory in the last 4 years?
Q Have you lived in the Cherokee Nation all your life?
A Yes sir.
Q Do you own a home in the Creek Nation? A No sir.
Q You make application for the N. E. 1/4 of Sec. 12, T. 18. NR. 16 E., containing 160 acres, for yourself, is that correct?
Q Are there any improvements on that land? A No sir.
Q Does anyone else claim this land or any part of it? A No sir.
Q Have you been over and examined it with a view to making this application for it? A Yes sir.
Q When? A About a month ago.
Q Is it prairie or timber land? A Prairie.
Q Is this land suitable for a home for yourself? A Yes.
Q Do you accept it as your final allotment? A Yes.
Q Have you made this selection in good faith in all respects?
A Yes sir.
Q Are there any churches, school houses, court houses or burial grounds on this land? A None.

Attests: (Signed) J. H. Lynch
" Kate DeBord.

her
(Signed) Lucy X
mark

(SEAL)

Subscribed and sworn to before me at Muskogee, I. T. this 20th day of January, 1902.

(Signed) William T. Martin
Notary Public.

Louise Smith, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above copy and that same is a true and correct copy of the original transcript.

Louise Smith

Subscribed and sworn to before me this August 22, 1908.

Myron H. H.
Notary Public

R.
Chas. B-3102.

Department of the Interior
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of LAWY BEAN as a citizen by blood of the Cherokee Nation

KAY KETCHER, being first duly sworn, and being examined, testified as follows, through sworn interpreter Sam Foreman:

- BY COMMISSIONER: What is your name? A Kay Ketcher.
- Q How old are you? A Fifty-eight.
- Q What is your post office address? A Tahlequah.
- Q You are a recognized citizen by blood of the Cherokee nation?
- A Yes sir.
- Q Do you know Lawy Bean? A Yes sir.
- Q He is a young man now about twenty-six years of age?
- A Yes sir.
- Q What is his present post office address? A Melvin.
- Q In what district does he live? A Tahlequah.
- Q Is Lawy Bean a Cherokee by blood? A Yes sir.
- Q What degree of Cherokee blood has he? A About half breed, about half Cherokee and half Creek.
- Q Does he speak the Cherokee language? A No sir.
- Q Do you know the name of his father? A Joe Bean.
- Q Is he living? A No sir.
- Q Is he a Cherokee by blood? A Yes sir.
- Q Does he reside in Tahlequah District? A Yes sir.
- Q What is the name of the mother of Lawy Bean? A Sinitdi.
- Q Is she living? A Yes sir.
- Q Does she reside in Tahlequah District? A Yes sir.
- Q Is Lawy Bean a citizen of the Creek Nation? A He is a citizen of the Cherokee Nation, lived here all his life.
- Q Do you know whether he has been enrolled in the Creek Nation or not? A I would not state positively whether they were enrolled or not, but his mother went with the intention of enrolling in the Creek Nation.
- Q Is the mother of Lawy Bean enrolled in the Creek Nation?
- A I would not say positively whether she is or not. She went with the intention of enrolling.
- Q Has Lawy Bean been residing in the Cherokee Nation all his life?
- A Yes sir.
- Q Did he ever go by any other name besides Lawy?
- A No sir, nothing but Lawy Bean.
- Q In what district did his parents reside in 1880? A Tahlequah.
- Q How long have Joe and Sinitdi Bean lived together?
- A They are not living together.
- Q Were they living together long about twenty years ago? A No sir.
- Q What was Sinitdi's name about twenty years ago?
- A Never went by any other name but Sinitdi.
- Q Did she and the father of Lawy Bean ever live together?
- A No sir.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 1141, #346, Lawy Bean, Tahlequah District, age 20.

- Q Do you know whether Lawy Bean drew Strip money in 1894 or not?
- A Yes, he drew Strip money.

Q Do you know who drew the money for him? A I would not be positive, but I think his mother drew his money.
Q Is his mother married? A No sir, she is not living with anyone.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 30th day of August, 1902.

John P. Rosen
Notary Public.

(COPY)

C.F.B.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lucinda Creek, et al., as citizens of the Cherokee Nation, con-
solidating the applications of:

Lucinda Creek
Lucy (Lawdy) Bean,
Leach Hare,

Cherokee D 3109,
Cherokee D 3102,
Cherokee D 3121.

DECISION.

The records of this office show that at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr, appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of Lucinda Creek, Lawdy Bean and Leach Hare as citizens of the Cherokee Nation. Copies of the testimony taken at Muskogee, Indian Territory, on January 30, 1902, in the matter of the applications of Cinda for herself and minor son, Arleacher, and by Lucy for herself, to take allotments of land in the Creek Nation, are filed herewith and made a part of the record herein.

Further proceedings in the matter of the application of Leach Hare for enrollment as a citizen of the Cherokee Nation were had at Muskogee, Indian Territory, on August 12 and 17, 1905, in which it developed that the correct name of Lawdy Bean is Lucy Bean, and she will now be listed for enrollment as Lucy Bean.

The evidence in this case shows that the applicants herein are Cherokees by blood, and that they are duly identified on the 1896 census roll of the Cherokee Nation. It is further shown that the said Lucinda Creek, Lucy Bean, and Leach Hare possess the right to enrollment as citizens by blood of the Creek Nation; that their names appear upon a partial roll of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, as Cinda, Arleacher and Lucy, opposite Nos. 8307, 8308 and 8309 respectively, and that they have voluntarily selected their allotments of land in said Nation.

Section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, ordered and adjudged that under the provisions of the law above noted, Lucinda Creek, Lucy Bean and Leach Hare are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

(Signed)

TAMM DIXIE
COMMISSIONER

Dated at Muskogee, Indian Territory,

this

Oct 4 1905

COPY.

Cherokee-1/-3102.

Muskogee, Indian Territory. January 26, 1905.

Lawcy Bean,

Melvin, Indian Territory.

Dear Sir:

In the matter of the application made to this Commission for your enrollment as a citizen by blood of the Cherokee Nation, you are advised that, before the Commission can render its decision in the matter of said application, it will be necessary that you appear before the Commission, at Muskogee, Indian Territory, and testify relative to your citizenship.

As this matter is very important, it should receive immediate attention.

Respectfully,

ENED).

Tamc Dixby.
Chairman.

COPY.

Cherokee, 3109,
3102, 3121

Muskegee, Indian Territory, August 30, 1905

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

You are requested to advise the Cherokee Enrollment Division the date of the approval of the Creek Indian schedule upon which appear the names of Nancy, Cinda, Lucy and Arlecher, and the numbers opposite which they appear on the schedule. It is understood that they are listed for enrollment on Creek Indian card No. 3066. Application has been made for the enrollment of Cindy, Lucy and Arlecher as citizens by blood of the Cherokee nation, and they have been listed for enrollment under the names of Lucinda Creek, Lucy Bean and Leech Hare, upon Cherokee Enrollment cards Nos. D 3109, D 3102 and D 3121, respectively.

An early reply is requested.

Respectfully,

(SIGNED).

Tams Dixby.

Commissioner

LMB

Cherokee D-2109,

COPY.

et al.

Muskogee, Indian Territory, October 4, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 4, 1906, rejecting the applications for the enrollment of Lucinda Creek, Lucy Bean and Leech Hare as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. 3-6

Commissioner.

Muskogee, Indian Territory, October 4, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated applications of Lucinda Creek, et al., including the Commissioner's decision dated October 4, 1905, respecting the applications for the enrollment of Lucinda Creek, Lucy Bean and Leeah Ware as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. 8-9

Commissioner.

Through the

Commissioner of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-3102.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 4, 1905.

Lucy Bean,

Hulbert, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 4, 1905, reflecting, among others, said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,



Commissioner.

Incl. S-6
Register

Cherokee D-3100,

COPY.

et al.

Muskogee, Indian Territory, November 27, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 4, 1905, rejecting the applications for the enrollment of Lucinda Creek, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 16, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. G-205

SIGNED.

E. J. H. H. H. H.
Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-3102.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JH*

Muskogee, Indian Territory, November 27, 1905.

Lucy Bean,

Hulbert, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 4, 1905, rejecting, among others, the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 16, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-204

[Signature]
Acting Commissioner.

(COPY)

D. S. 52210-1905
I.T.D. 14916-1905.

Y.P.
LLB

L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 16, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 4, 1905, you transmitted the record in the matter of the application for the enrollment of Lucinda Creek, Lawuy Bean, and Leach Ware as citizens by blood of the Cherokee Nation.

Reporting November 10, 1905, the Indian office recommended that your decision, adverse to the applicants be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision dated October 4, 1905, is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary.

1 inclosure

(C O P Y)

3 Enclos.

--Copy--

Land
51521-1908

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. Nov. 10, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 4, 1908, transmitting the record of the consolidated applications for enrollment as citizens of the Cherokee Nation by Emmet Starr for Lucinda Creek, Lawdy Bean and Leach Hare.

October 4, 1908, the Commissioner decided adversely to all the applicants.

The record shows that the applicant's names appear upon a partial roll of citizens by blood of the Creek Nation, approved by the Department March 26, 1902, as Ginda, Arleacher, and Lucy, opposite numbers 8307, 8308 and 8309 respectively, and that they have voluntarily selected their allotments of land in the Creek Nation.

In view of the record and of Section 26 of the Act of July 1, 1902, (32 Stats., 716) the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

M.M.M.-NL.

C. F. LARRANEE
Acting Commissioner

Cher R 990

Trans from Cher D 3121

Cher R 990

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JANUARY 20, 1900,
MUSKOGEE LAND OFFICE.

IN THE MATTER OF THE APPLICATION of Cinda to take an allotment of land in the Creek Nation for herself, her son, Arlesher, and her mother, Nancy, accompanied by a proper description of the land applied for and a certificate showing that they have been listed for enrollment as citizens of the said nation.

CINDA, being first duly sworn by W. T. Martin, a notary public, testified as follows through official interpreter, J. B. Lynch:

- Q What is your name? A Cinda.
Q What is your post office address? A Melvin, I. T.
Q Are you a citizen of the Muskogee Nation? A Yes sir.
Q To what town do you belong? A Tuckeegee.
Q Are the persons named in this application now living?
A Yes sir.
Q Are they citizens of the Muskogee Nation? A Yes.
Q To what town does Arlesher and Nancy belong? A Tuckeegee.
Q How long have the persons named in this application lived in the Creek Nation? A Never have lived in the Creek Nation. Lived in the Cherokee Nation.
Q How long have they lived in the Cherokee Nation?
A My mother, Nancy, came from the old country to the Cherokee Nation, and she and my son have lived in the Cherokee Nation all our lives.
Q Have any of these parties been outside of the territory in the last four years? A None only Arlesher, he was sent to the reform school at Booneville Missouri, and is there yet.
Q Why does not your mother, Nancy, appear here any make application herself for an allotment of land in the Creek Nation?
A She is very old and infirm, and not able to come.
Q Do you or any of the other persons named in this application own homes in the Creek Nation? A None of us, no.
Q You make application for the S. 1/4 of the S. V. 1/4 and the S. E. 1/4 of S. W. 1/4 of Sec. 22, and the S. V. 1/4 of S. W. 1/4 of Sec. 27, T. 12 N., R. 17 E., containing 160 acres, for yourself, is that correct? A Yes sir.
Q Are there any improvements on this land? A No.
Q Does any one else claim this land or any part of it? A No.
Q Have you been over and examined it with a view to making this application? A Yes, about a month ago.
Q Is it prairie or timber land? A Prairie.
Q You make application for the S. E. 1/4 of Sec. 12, T. 16 N., R. 16 E., containing 160 acres, for your son, Arlesher, is that correct?
A Yes sir.
Q Are there any improvements on that land? A No sir.
Q Does anyone else claim this land or any part of it? A No.
Q Have you been over this land and examined it? A Yes.
Q When? A About a month ago.
Q Is it prairie or timber land? A Timber.
Q You make application for the S. V. 1/4 of Sec. 12, T. 12 N., R. 17 E., containing 160 acres, for your mother, Nancy, is that correct?
A Yes sir.
Q Are there any improvements on that on that land? A No.
Q Does anyone else claim that land or any part of it? A No.

- Q. Have you been over and examined it with a view to making this application for it? A. Yes sir, about a month ago.
- Q. Is it a prairie or timber land? A. Timber.
- Q. Are there tracts of land suitable for homes for the persons named in this application? A. Yes sir.
- Q. Do you accept this land as the final allotments for yourself, your son and your mother? A. Yes sir.
- Q. Have you made these selections in good faith in all respects? A. Yes sir.
- Q. Are there any churches, school houses, store houses or burial grounds on this land? A. No sir.

(Signed) Cinder 2
MARK

Attest: (Signed) J. N. Lynch
B Kate DeBord.

(SEAL)

Subscribed and sworn to before me at Muskogee, I. T. this 20th day of January, 1902.

(Signed) William T. Martin
Notary Public.

Louise Smith, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above copy and that same is a true and correct copy of the original transcript.

Louise Smith

Subscribed and sworn to before me this August 22, 1905.

William T. Martin
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, Okla., June 30, 1902.

In the matter of the Application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Leech Mare #1671 Tahlequah District.

Q Are there any other persons for whom you desire to make appli-
cation for enrollment?

A I desire to apply for the following named persons on the 1896
Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this December 9, 1901.

E. C. Bagwell
B. C. Jones
Notary Public.

CN 3/21

Filed Sept
3 1902

R.
Cher. D-5121.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of LEECH HARE as a citizen by blood of the Cherokee Nation.

KEY KETCHER, being first duly sworn, and being examined, testified as follows, through sworn interpreter Sam Foreman:

BY COMMISSIONER: What is your name? A Key Ketcher.
Q How old are you? A Fifty-eight.
Q What is your post office address? A Tahlequah.
Q You are a recognized citizen by blood of the Cherokee nation?
A Yes sir.
Q Do you know Leech Hare? A Yes sir, I know him.
Q He is a young man now about twenty-three years of age? A Yes sir.
Q Do you know his present post office address? A Yes sir, Melvin.
Q I notice on the roll a note to the effect that he is now in the penitentiary, do you know what penitentiary he was sent to?
A At Fort Leavenworth.
Q When was he sent to the penitentiary? A About three years ago.
Q Is Leech Hare a Cherokee? He is part Cherokee.
Q About what degree of Cherokee blood do you think he has?
A About half. Half Creek and half Cherokee.
Q Do you know the name of his father? A His name was Jesse Hare.
Q Is he living? A No sir, he is dead.
Q Was he a Cherokee by blood? A Yes sir, he is a full blood.
Q Do you know the name of the mother of Leech Hare? A Binitdi.
Q She is living, you say? A Yes sir.
Q In Tahlequah District? A Yes sir.
Q Do you know whether or not Leech Hare is enrolled in the Creek Nation? A No sir, I don't.
Q Up until the time he was sent to the penitentiary, did he live in the Cherokee nation continuously? A Yes sir, he was raised here in the Cherokee Nation, in Tahlequah District.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 1191, #1671, Leech Hare, Tahlequah District, age 17.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 30th day of August, 1902.

John H. Reeson
Notary Public.

Special Agent in Charge

2009.

and collect evidence of the same. The following is a list of the persons who have been reported to have been in the vicinity of the crime, and who are being sought by the Bureau for the purpose of obtaining evidence against them. The names of these persons are given in the following list, and the names of the persons who have been reported to have been in the vicinity of the crime are given in the following list. The names of the persons who have been reported to have been in the vicinity of the crime are given in the following list.

and being killed.

Chief of Police, New York City, and the following persons are being sought by the Bureau for the purpose of obtaining evidence against them. The names of these persons are given in the following list, and the names of the persons who have been reported to have been in the vicinity of the crime are given in the following list. The names of the persons who have been reported to have been in the vicinity of the crime are given in the following list.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

AUG 21 1905

Comme

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 12, 1905.
oooooooooooo

In the matter of the application for the enrollment, as
a citizen by blood of the Cherokee Nation, of Leech Hare.

LEECH HARE, being first duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Leech Hare.
Q Do you spell your name "H-a-r-e"?
A Yes, sir.
Q How old are you? A 22.
Q What is your post office? A Hulbert, I. T.
Q Are you a Cherokee by blood? A Yes, sir.
Q Are you half Cherokee and half Creek? A Yes, sir.
Q What is your father's name? A Jesse Hare.
Q Is he living? A No, sir.
Q Was he a Cherokee by blood? A Yes, sir, he was a Cherokee.
Q What is the name of your mother? A Cindy Hare.
Q Is it Lucinda Hare? A No, Cindy Hare.
Q She is living, is she? A Yes, sir.
Q Is she a full blood Creek? A Yes, sir.
Q Is she a citizen of the Cherokee Nation? A Yes, sir.
Q Where were you born? A I was born right there where I live.
Q That's close to Hulbert, in the Cherokee Nation? A Yes, sir.
Q You never made your home out of the Cherokee Nation at all?
A No, sir.
Q You were formerly in the Penitentiary at Fort Leavenworth,
Kansas, were you not?
A No, I was not at the Penitentiary, I was in the Reform School.
Q When I was in the Reform School my folks got this land out
here in the Creek country.
Q Did some one take an allotment in the Creek Nation for you?
A Yes, sir.
Q Who?
A My mother; we leased that land to George Schaeffer.
Q Your mother took an allotment in the Creek Nation for you, did
she? A Yes, sir.
Q If it is found that you are entitled to enroll in the Creek
Nation and also in the Cherokee Nation, in which Nation do you
elect to be finally enrolled and receive your allotment?
A I had rather be enrolled in the Cherokee Nation.
Q You want to be enrolled in the Cherokee Nation and take your
allotment in the Cherokee Nation? A Yes, sir.
Q You do not want the allotment made to you in the Creek Nation?
A No, sir.
Q Have you always drawn money from the Cherokee Nation?
A Yes, sir.
Q Have you any older ~~brothers~~ sister or brothers?
A No, sir, there is only two of us, me and my sister.
Q What is your sister's name? A Lucy Hare.
Q Is she living? A Yes, sir, she is living.
Q Is she enrolled in the Creek Nation? A Yes, sir.

Charlene D 3181.

Q What was your mother's mother's name? A Creek Nancy.
Q Did they just call her Nancy? A Yes, sir.
Q Did they sometimes call your mother Lucinda Creek? A Yes, sir.
Q Is that her right name? A No, just Cindy Hare is her right name.
Q She has taken an allotment in the Creek Nation? A Yes, sir.
Q Do you know whether she wants to be enrolled in the Cherokee Nation or the Creek Nation? A Creek Nation.
Q Your sister, Lucy, does she want to be enrolled in the Creek Nation? A Cherokee Nation.
Q Is your mother married? A No, sir.
Q How long has she lived in the Cherokee Nation? A She has lived there all her life.
Q Did she ever make her home in the Creek Nation? A No, sir, she never did.
Q Your sister, Lucy, is she married? A No, sir, she is not married.
Q What is her post office now? A Hulbert.
Q Did they ever call her Lawdy Bean? A Yes, sir.
Q Lucy - is that her right name? A Yes, sir.
Q Is her father's name Joe Bean? A Money Bean.
Q Did they ever call him Joe in English? A They called him "Money" all the time; that's all I know.
Q Did your sister, Lucy, ever make her home in the Creek Nation? A No, sir, she never did.
Q You think she desires to be enrolled in the Cherokee Nation? A Yes, sir.
Q Have you ever leased your allotment in the Creek Nation? A Yes, sir, I have it leased to George Schaeffer.
Q Did your sister lease her allotment? A Yes, sir, to the same fellow - George Schaeffer.
Q Have you seen the land that was allotted to you in the Creek Nation? A No, sir, I have never been out there.
Q Did your sister ever see her land? A No, sir, she has never been out there.
Q Do you know whether the name of your mother is on the Roll of 1880? A No, sir.
Q Did you ever know any one named Susanna Bean? A No, sir, I don't.
Q Has your sister Lucy got a half-sister named Nancy? A Yes, sir.
Q And a half-brother named John? A Yes, sir.
Q And Will? A Yes, sir.
Q And Allie? A Yes, sir.
Q It appears that the father of Lucy or Lawdy Bean, a sister of the applicant, is identified on the 1880 authenticated roll of citizens of the Cherokee Nation, number 206, as Joe Bean, who is listed for enrollment, with his family, on Cherokee Field Card number 7076.
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q Did your sister, Lucy? A No, sir.

-3-

The 1880 authenticated roll of citizens of the Cherokee Nation examined, and the names of the applicant's mother, Lucinda Creek, or Cindy, and grandmother, Creek Nancy, or Nancy, can not be identified thereon. The applicant is too young for his name to appear on that roll. The 1894 Cherokee Pay Roll examined, and the names of the applicant, his sister, Lucy Bean, his mother, Lucinda Creek, or Cindy, and grandmother, Creek Nancy, or Nancy, can not be identified thereon.

W. F. Covington, being duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, he reported proceedings had in the above and foregoing case on the 12th day of August 1905, and that the above and foregoing is a full, true and correct transcript of his said stenographic notes taken in said case.

W. F. Covington

Subscribed and sworn to before me, this August 22nd, 1905.

Myron White
Notary Public.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 17, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of LENCH HARK as a citizen by blood of the Cherokee Nation.

LENCH HARK, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Lench Hark.
- Q How old are you? A 22.
- Q Do you know when your birthday is? A No sir.
- Q What is your post office? A Hulbert, I. T.
- Q You appeared before this office on August 12, 1905, and gave testimony in connection with your application for enrollment as a citizen by blood of the Cherokee Nation, did you? A Yes sir.
- Q Do you remember what you gave your age then? A No sir, I don't.
- Q Was it 22 or 23? A I gave it as 22, I was 18 years old when they sent me to the reform school and I stayed there 3 years.
- Q You were 18 years old when they sent you to the reform school?
- A Yes sir.
- Q How old were you when you left there? A 21.
- Q You stayed there 3 years? A Yes sir.
- Q Do you know what month it was you were sent? A No sir, I don't.
- Q What reform school was it? A Booneville, Missouri.
- Q You don't know in what year you? A No sir.
- Q You stated the other day that ~~you were~~ if you were found to be entitled to be enrolled in both the Creek and Cherokee Nations, that you elected to be enrolled as a citizen of the Cherokee Nation? A Yes sir.
- Q The records of the Creek Land Office show that your mother appeared before it on or in January, 1902, and selected allotments of land in the Creek Nation for herself and you, do you know whether you were a minor at that time? A No sir.
- Q Did you ever see the land allotted to you in the Creek Nation?
- A No sir.
- Q In what year was it you were sent to the reform school? A I don't know what year it was, I don't recollect it, I guess it was during 1900.
- Q And you were 18 then? A Yes sir.

A copy of the testimony of the applicant's mother in connection with the application for the selection of allotments of land in the Creek Nation for herself and the applicant will be filed with and made a part of the record in this case. She is identified upon the approved roll of Creek citizens opposite No. 2307, as Cindia.

George H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 21st day of August, 1905.

Bruce Jones
Notary Public

(COPY)

C.F.B.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lucinda Creek, et al., as citizens of the Cherokee Nation, con-
solidating the applications of:

Lucinda Creek
Lucy (Laway) Bean,
Leach Hare,

Cherokee B. 1109,
Cherokee B. 1102,
Cherokee B. 1121.

DECISION.

The records of this office show that at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr, appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of Lucinda Creek, Laway Bean and Leach Hare as citizens of the Cherokee Nation. Copies of the testimony taken at Muskogee, Indian Territory, on January 30, 1902, in the matter of the applications of Linda for herself and minor son, Arlescher, and by Lucy for herself, to take allotments of land in the Creek Nation, are filed herewith and made a part of the record herein.

Further proceedings in the matter of the application of Leach Hare for enrollment as a citizen of the Cherokee Nation were had at Muskogee, Indian Territory, on August 12 and 17, 1902, in which it developed that the correct name of Laway Bean is Lucy Bean, and she will now be listed for enrollment as Lucy Bean.

The evidence in this case shows that the applicants herein are Cherokees by blood, and that they are duly identified on the 1896 census roll of the Cherokee Nation. It is further shown that the said Lucinda Creek, Lucy Bean, and Leach Hare possess the right to enrollment as citizens by blood of the Creek Nation; that their names appear upon a partial roll of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 22, 1902, as Linda, Arlescher and Lucy, opposite Nos. 2307, 2308 and 2309 respectively, and that they have voluntarily selected their allotments of land in said Nation.

Section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, ordered and adjudged that under the provisions of the law above noted, Lusinda Creek, Lusy Bean and Leash Ware are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

(Signed) JAMES BERRY
COMMISSIONER

Dated at Muskogee, Indian Territory,
this Oct 4 1908

D 3121

U. S. Penitentiary
Fort Leavenworth, Kan.

Nov. 7. 1903

Respectfully returned
with information that
the records of this
penitentiary, since
its organization, do
not show the name
of Lusk Hare as
an inmate.

R. W. McCaughey
Warden

NOV 9 REC.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNORRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 3121

Tahlequah, Indian Territory, November 4, 1903.

Warden,

United States Prison,

Ft. Leavenworth, Kansas.

Dear Sir:

There is an application pending before this Commission for the enrollment as a Cherokee citizen of one Leech Hare, said to be a full blood Cherokee Indian now about 24 years old. The Commission has information that a full blood of that name and age was sentenced to Ft. Leavenworth from the Indian Territory about four years ago.

The Commission desires to be advised whether you have in your custody any such person and if so, will you please send us a certificate to that effect.

Respectfully,



Commissioner in Charge
Cherokee Land Office.

MH

Cherokee B-3377

COPY.

3121.

Muskogee, Indian Territory, August 19, 1905.

Chief Clerk,

Creek Land Office.

Dear Sir:

You are requested to furnish the Cherokee Enrollment Division with a copy of the testimony given by "Cinda" in connection with her application for the selection of allotments of land in the Creek Nation for herself and child, "Alecher".

They are listed for enrollment on Creek Indian card, Field No. 3065.

Respectfully,

SIGNED

Wm. C. Beall
Acting Commissioner.

LS

Cherokee D-3121.

COPY.

Muskogee, Indian Territory, August 19, 1905.

Superintendent Missouri Reform School,
Booneville, Missouri.

Dear Sir:

Application has been made for the enrollment of Leech
Here as a citizen by blood of the Cherokee Nation. The testimony
taken in connection with his application shows that he was sent
to the Reform School at Booneville, Missouri, about the year
1900, and that he was released therefrom in 1903.

You are requested to advise this office what your
records show his age to have been at the time he was taken to
your Institution, and also the date when he was released there-
from.

Respectfully,

SIGNED:

J. M. Beall
Acting Commissioner.

LR

INDEXED

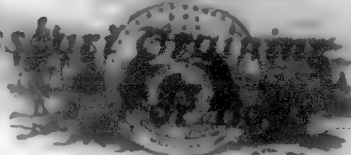
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1905	

Clark, R.C.
Boonville, Mo.
Aug. 27, 1905.

Gives information relative to
Box Leech Ware.

Board of Managers
W. N. Williams, Boonville
J. B. Wells, California
D. C. Harbo, Jr., Versailles
Paul B. Moore, Charleston
J. R. Deary, Glasgow

Established 1889
Missouri Training School



R. C. Clark,
Superintendent

Officers of Board
W. N. Williams, President
W. R. Baker, Secretary
A. H. Stephens, Treasurer
D. L. Davis,
Assistant Superintendent

Boonville, Mo., 8-23-05

Mr. O. Beall

Miss Koger

I. P. Dear Sir

In regard
to Boy Leech have our records
show that he was born 1883
and released from this school
April 6th 1903,

Respectfully

R. C. Clark

✓

Cherokee, 3109,
3109 3121

COPY.

Muskogee, Indian Territory, August 30, 1905

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

You are requested to advise the Cherokee Enrollment Division the date of the approval of the Creek Indian schedule upon which appear the names of Nancy, Cindy, Lucy and Arlesher, and the numbers opposite which they appear on the schedule. It is understood that they are listed for enrollment on Creek Indian card No. 3066. Application has been made for the enrollment of Cindy, Lucy and Arlesher as citizens by blood of the Cherokee nation, and they have been listed for enrollment under the names of Lucinda Creek, Lucy Bean and Leach Hare, upon Cherokee Enrollment cards Nos. D 3109, D 3102 and D 3121, respectively.

An early reply is requested.

Respectfully,

SIGNED

Tame Little

Commissioner

TMB

Cr.L. 3066.

Muskogee, Indian Territory, August 31, 1905.

Chief Clerk,

Cherokee Enrollment Division.

Dear Sir:

Receipt is acknowledged of your communication of August 30, 1905, (Cher. 3109, 3102 and 3121), in which you ask to be advised as to the date of the approval of the Creek Indian schedule upon which appear the names of Nancy, Cinda, Lucy, and Arlecher, and the numbers opposite which they appear on said schedule.

In reply you are advised that the names of Nancy, Cinda, Lucy and Arlecher appear on the partial roll of citizens by blood of the Creek nation approved by the Secretary of the Interior March 28, 1902, opposite numbers 8306, 8307, 8308 and 8309, respectively.

Respectfully,

(Signed) Tams Bixby,

Commissioner.

Muskogee, Indian Territory, October 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated applications of Lucinda Creek, et al., including the Commissioner's decision dated October 4, 1906, rejecting the applications for the enrollment of Lucinda Creek, Lucy Bean and Leech Hare as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. 8-9

Commissioner.

Through the

Commissioner of Indian Affairs.

Cherokee D-2100,

et al.

Muskogee, Indian Territory, October 4, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 4, 1905, rejecting the applications for the enrollment of Lucinda Creek, Lucy Bean and Leech Ware as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

ENCLOSURE.

Incl. 3-2

James D. Dyer,
Commissioner.

Cherokee D-3121.

COPY.

Muskogee, Indian Territory, October 4, 1905.

Leech Ware,

Hulbert, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the Commissioner's decision, dated October 4, 1905, rejecting, among others, said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Very

Yours Truly,

Commissioner.

Incl. 8-7
Register

Cherokee D-3121.

COPY.

Muskogee, Indian Territory, November 27, 1905.

Leach Ware,

Halbert, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 1, 1905, rejecting, among others, the application for your enrollment as a citizen by blood of the Cherokee nation, was affirmed by the Secretary of the Interior on November 16, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNATURE

Carl H. Hodges
Acting Commissioner.

Incl. S-202

Cherokee D-3109,

et al.

COPY.

Muskogee, Indian Territory, November 27, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 4, 1905, rejecting the applications for the enrollment of Lucinda Creek, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 16, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED

W. W. Hastings
Acting Commissioner.

Incl. S-205

(C O P Y)

D. C. 52210-1905
I.T.D. 14916-1905.
LRS

Y.P.
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 16, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 4, 1905, you transmitted the record in the matter of the application for the enrollment of Lucinda Creek, Lacey Bean, and Leach Hare as citizens by blood of the Cherokee Nation.

Reporting November 10, 1905, the Indian Office recommended that your decision, adverse to the applicants be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision dated October 4, 1905, is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary.

1 inclosure.

(C O P Y)
3 Enclos. --Copy--

Land.
81821-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. Nov. 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the five civilized tribes, dated October 4, 1905, transmitting the record of the consolidated applications for enrollment as citizens of the Cherokee Nation by ~~Emmet~~ Starr for Lucinda Creek, Lawey Bean and Leach Hare.

October 4, 1905, the Commissioner decided adversely to all the applicants.

The record shows that the applicant's names appear upon a partial roll of citizens by blood of the Creek Nation, approved by the Department March 28, 1902, as Cinda, Arleacher, and Lucy, opposite numbers 8307, 8308 and 8309 respectively, and that they have voluntarily selected their allotments of land in the Creek Nation.

In view of the record and of Section 28 of the Act of July 1, 1902, (32 Stats., 716) the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

M.M.W.-NL.

C. F. Larrabee
Acting Commissioner.

cher R 991

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cher R 991

Cher R 992

Trans from Delaware 381

Cher R 992

DD 09

22

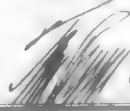
IN RE
THE DEATH OF

Ida Wilson
a citizen of the

Cherokee Nation.

Approved

August 1, 1902



Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Ida Wilson
(Here insert name of deceased.)
 a citizen of the Zuapaw Nation, who formerly resided at or near
Baxter Springs Kas, Ind. Terr., and died on the 18 day of June 1900,
(Here insert name of post office.)

1

AFFIDAVIT OF RELATIVE.

State of Kansas
 UNITED STATES OF AMERICA,
 Cherokee County, District.

I, Reed Wilson, on oath state that I am 25
 years of age and a citizen, by adoption, of the Delaware Cherokee Nation;
 that my post office address is Baxter Springs Kas, Ind. Terr.; that I am
(Here insert name of post office.)
Father of Ida Wilson
(State relationship, as the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by adoption, of the Delaware Cherokee Nation;
 and that said Ida Wilson died on the 10th day of
(Here insert name of deceased.)

June 1900
 WITNESSES TO MARK
J. P. Daniels
George Ridgely
(Must be Two Witnesses)

Reed Wilson
Mark

Subscribed and sworn to before me this 5th day of August 1902
Baxter Springs July 5th 1904 C. W. Daniels
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

State of Kansas
 UNITED STATES OF AMERICA,
 Cherokee County, District.

I, Meh hunk a zhe ka, on oath state that I am 40
 years of age, and a citizen, by birth, of the Zuapaw Nation;
 that my post office address is Baxter Springs Kas, Ind. Terr.;
(Here insert name of post office.)
 that I was personally acquainted with Ida Wilson
(Here insert name of deceased.)
 who was a citizen, by adoption, of the Delaware Cherokee Nation;
 and that said Ida Wilson died on the 10 day of
(Here insert name of deceased.)

June 1900
 WITNESSES TO MARK
J. P. Daniels
George Ridgely
(Must be Two Witnesses)

Meh hunk a zhe ka
Mark

Subscribed and sworn to before me this 5th day of August 1902
Baxter Springs July 5th 1904 C. W. Daniels
 Notary Public

Cher R 993

Trans from Delaware R2
D1

Cher R 993

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING.
Delaware D-1

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory March 3,

1902.

Mrs. Susan Ironsides,

Talala, Indian Territory,

Madam:-

You are hereby notified that the application of Willie Conaque

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on March 22, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

Yours truly,



William B. Bowman.
Commissioner in Charge.

Muskogee, Indian Territory, June 28, 1902.

Mr. Willis Conaqua,

Talala, Indian Territory.

Sir:

You are required to appear before this Commission at its office in Muskogee, Indian Territory, on or before July 15, 1902, and submit further evidence in the matter of the application for your enrollment as a citizen of the Cherokee Nation of Delaware blood.

The name of Willis Conaqua cannot be found on the register of Delawarees, or on the various rolls of Delaware Indians in the possession of this Commission. If you ever had any other name than Willis Conaqua it is necessary to inform the Commission in order that you may be identified, if possible, on the tribal rolls.

Evidence is also necessary to show that you are a Delaware Indian adopted as a citizen of the Cherokee Nation.

Yours truly,

Commissioner in Charge.

In answering refer to
Cherokee-Delaware D. # 1.
Register.

0077
Cher. Del. D-1

Muskogee, Indian Territory, July 8, 1903

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Sir:

There is herewith enclosed a copy of an order of the
Commission to the Five Civilized Tribes, dated June 1, 1903, dis-
missing the application for the enrollment of Willie Conaque as a
citizen of the Cherokee Nation of Delaware blood, he having died on
February 10, 1902.

Respectfully,

T. E. Needle,
Commissioner in Charge.

Enc. 2-17

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Del. D-1

A BUREAU OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 8, 1903.

Susan Ironsides,

Talala, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of an order of the Commission to the Five Civilized Tribes, dated June 1, 1903, dismissing your application for the enrollment of Willie Conaque as a citizen of the Cherokee Nation of Delaware blood, he having died on February 10, 1902.

Respectfully,



Commissioner in Charge.

Enc. D-18

Register.

Statement of Applicant Taken Under Oath

63 Milhi Conague Date SEP 24 1900 1900.
Name Talala St.

Names of Children:

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 24, 1900.

In the matter of the application of Susan Ironsides for the enrollment of herself as a Cherokee of Shawnee blood, and for the enrollment of her husband, Willie Conague, as a Delaware; being sworn and examined by Commissioner Breckinridge, she testified as follows.

- Q What is your full name? A Susan Ironsides.
Q How old are you? A I am about 55 the first of May.
Q What is your postoffice? A Talala.
Q What district do you live in? A In Cooweescoowee district.
Q Who is it now you want to have put on the roll? A Myself and my little child that died.
Q Your husband, you want to put him on the roll? A Yes, sir.
Q Do you apply for yourself as a Cherokee? A I am a Shawnee.
Q What is your husband, is he a Shawnee? A He is a Delaware.
Q How long have you lived in the Cherokee Nation? A I have been living here 38 years.
Q Lived all the time in Cooweescoowee district? A Yes, sir, all the time.
Q How long have you been married to this man? A Ten years the 10th of February.
Q What is your father's name? A Matthew King.
Q He dead or alive? A He has been dead 47 years.
Q Your mother, what was her name? A Catherine King.
Q She dead or alive? A She is alive.
Q What is your husband's name? A Willie Conague.
Q Wouldn't take your husband's name? A No, sir.
Q Were you called Ironsides in 1880? A Yes, sir, always had that name.
Q Is he on the roll of 1880? A Yes, sir, on the roll of 1880.
Q What district was he from? A Cooweescoowee, always lived here since we moved out from Kansas.
(1880 roll, page 270, No. 1341, Susan Ironsides, Delaware District.)
Q How old is your husband? A 65 years old.
(Susan Ironsides on Shawnee-Cherokee pay-roll, page 25, No. 470.)
Mr. J.L. Baugh, representative of the Cherokee Nation: Where did this man live in 1880? A He lived down there in Cooweescoowee, he moved down there.
Q Where did he move from? A Kansas.
Q How long ago? A Since we came with the Nation.
Q In 1870? A Yes, sir.
Commissioner Breckinridge: He has been living in the Nation ever since 1870? A Yes, sir, he has been living here all the time, on Pooler Creek.

The applicant is identified on the rolls of 1880 and 1896, she states that she has lived in the Cherokee Nation ever since the Shawnees moved here in 1870, and she will be listed now for enrollment as a Cherokee-Shawnee. Her husband, who is evidently a full blood, and she states is a Delaware, cannot be identified on any of the rolls. She states that he has lived in the Cherokee Nation ever since the Shawnees moved here in 1870, and presumably he is upon some of the rolls, but it is impossible to identify him at this time, so at present his name will be placed upon a doubtful card for future consideration.

Susan Ironsides---8.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 24th of September, 1900.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 18th day of November, 1901.

M. D. Green
Notary Public.

1000

Deposited and given to persons to be sold at public auction on the 18th day of November, 1901.

Original transcript of the proceedings of the Commission to the United States, before the Honorable William C. Brown, Judge of the District Court of the District of Columbia, in the case of the United States vs. the American Tobacco Company, et al., filed for the record on the 18th day of November, 1901.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE UNITED STATES
FILED
NOV 21 1901

ACTING CHAIRMAN

NOTARY PUBLIC

Commissioner.

(Signed) W. B. Woodruff,

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this 18th day of November, 1901.
I, the undersigned, a Notary Public for the District of Columbia, do hereby certify that the foregoing is a true and complete transcript of the proceedings of the Commission to the United States, before the Honorable William C. Brown, Judge of the District Court of the District of Columbia, in the case of the United States vs. the American Tobacco Company, et al., filed for the record on the 18th day of November, 1901.

Supl.-Del.D.#1.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 22, 1902.

SUPPLEMENTAL in the matter of the enrollment of WILLIE CONAQUE
as a citizen by Delaware blood of the Cherokee Nation:

The applicant was notified by registered letter March 3, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation by Delaware blood would be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on the 22d day of March, 1902, and that he could on said date appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any further testimony affecting his application. The applicant has this day, to-wit: the 22d day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission to the Five Civilized Tribes for final decision based upon the evidence now of record.

-----00000000-----

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the above proceedings and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

Del D[#]1

32

IN RE
THE DEATH OF

Willie Conague
a citizen of the

Cherokee Nation.

Approved Oct 23 1902

C. H. Buckinridge.
Commissioner.

23 1902

Del D 1

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Willie Conague
(Here insert name of deceased.)
 a citizen of the Cherokee Nation, who formerly resided at or near
Caney, Kansas, Ind. Ter., and died on the _____ day of _____,
(Here insert name of postoffice.)
 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, James Shaw, on oath state that I am 37
 years of age and a citizen, by Delaware blood, of the Cherokee Nation;
 that my post office address is Caney, Kansas, Ind. Ter.; that I am
(Here insert name of post office.)
an acquaintance of Willie Conague,
(State relationship to the father, an uncle, a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by Delaware blood, of the Cherokee Nation;
 and that said Willie Conague died on the 10 day of
(Here insert name of deceased.)
February, 1902.

WITNESSES TO MAKE:

(Must be Two Witnesses.) {

Subscribed and sworn to before me this 16 day of October, 1902.
My commission
Expires June 23^d 1906 J B Woodard
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, John Parks, on oath state that I am 40
 years of age, and a citizen, by Delaware blood, of the Cherokee Nation;
 that my post office address is Weldon, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Willie Conague,
(Here insert name of deceased.)
 who was a citizen, by Delaware blood, of the Cherokee Nation;
 and that said Willie Conague died on the 10 day of
(Here insert name of deceased.)
February, 1902.

WITNESSES TO MAKE:

(Must be Two Witnesses.) {
John his Parks
Rosa Parks
 mark

Subscribed and sworn to before me this 16 day of Oct., 1902.
My commission
Expires June 23^d 1906 J B Woodard
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Willie Conaque as a citizen of the Cherokee Nation of Delaware blood.

ORDER OF DISMISSAL.

The record in this case shows that on September 24, 1900, Susan Ironsides appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of Willie Conaque as a citizen of the Cherokee Nation of Delaware blood. The application also included herself, but she is differently classified and is not embraced in this decision. Thereafter on October 23, 1902, an affidavit, showing that Willie Conaque died subsequent to the date of the original application, was filed with this Commission.

The evidence shows that the said Willie Conaque, a Delaware Indian, died on February 10, 1902. An affidavit to that effect is made a part of the record herein.

Section twenty-five of the act of Congress approved July 1, 1902 (Public No. 241), duly ratified as provided for in section seventy-five thereof, is as follows:

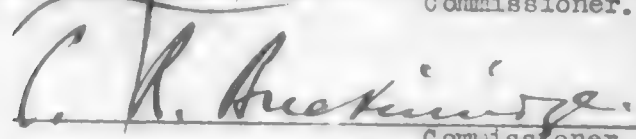
"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

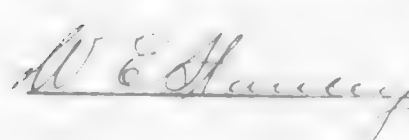
It is, therefore, ordered by this Commission that the application for the enrollment of Willie Conaque as a citizen of the Cherokee Nation of Delaware blood be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, I. T.,

this JUN 1 - 1903

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Top-ki-a-nov-e-que (Mary) Exendine, page 367, # 234, Cowess-
see District;

Note: "Wife of Jasper Exendine";

Also on Delaware Pay Roll, page 9, # 304, as Mary Exen-
dine;

Q Are there any other persons on the 1896 Cherokee roll, also
on Delaware pay roll, page 9, # 307, as Oliver Exendine;

A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

Albert Exendine, page 1896 roll, page 367, # 337, Geo. Dist; also
on Delaware pay roll, page 9, # 306, as Albert Exendine

Anna Exendine, 1896 roll, page 367, # 258, Geo. Dist; also on
Delaware pay roll, page 9, # 308, as Anna Exendine;

Frank Exendine, page 367, # 259, Geo. Dist, 1896 roll; also on
Delaware pay roll, page 9, # 309, as Frank Exendine;

Joseph Exendine, 1896 roll, page 367, # 260, Geo. Dist; also on
the Delaware pay roll, page 9, # 311, as Joseph Exendine;

Note: "See relinquishment filed March 2, 1902".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this August 18, 1902.

E. C. Bagwell
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Exendine, et al., as citizens of the Cherokee Nation of Delaware blood.

DECISION.

The record in this case shows that on June 30, 1902, Ernest Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Mary, Oliver, Albert, Annie, Frank and Joseph Exendine as citizens of the Cherokee Nation of Delaware blood.

The evidence shows that the said Mary, Oliver, Albert, Annie, Frank and Joseph Exendine have been enrolled as members of the Delaware Tribe of Indians residing in the Wichita Indian Reservation, Kiowa Agency, Oklahoma, and have relinquished all right, title and interest in and to the benefits to be derived as citizens of the Cherokee Nation of Delaware blood.

The evidence further shows that all the applicants herein are identified on the Cherokee census roll of 1896.

It is, therefore, the opinion of this Commission that Mary Exendine, Oliver Exendine, Albert Exendine, Annie Exendine, Frank Exendine and Joseph Exendine having been enrolled as members of the Delaware Tribe of Indians in the Kiowa Agency, Oklahoma, lost their citizenship in the Cherokee Nation, and that the application for their enrollment as citizens of the Cherokee Nation of Delaware blood should be denied, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Dixby.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Noted at Muskogee, I. T.,

this JUN 1 - 1903

Kiowa Agency,

Anadarko, Okla., February 26, 1901.

Jasper Exendine for himself and also for and on behalf of his minor children, Albert, Frank and Joseph Exendine, does hereby relinquish all right, title and interest in and to benefits with the Cherokee Nation of the Union Agency, Indian Territory; this in consideration of the enrollment of himself and his said minor children as members of the Delaware Tribe of Indians residing upon the Wichita Indian Reservation, Kiowa Agency, Oklahoma.

Witnesses:

Jno P Blackman

Jasper Exendine

Subscribed before me this 26th day of February, A. D., 1901.

James F. Randlett.

Lt. Col. U. S. A., U. S. Indian
Agent.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 6, 1903.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, hereby certify that the above and foregoing is a true and correct copy of the original.

Wm. E. Wick

Kiowa Agency,

Anadarko, Okla., February 26, 1901.

Jasper Exendine, for and on behalf of his minor son Albert (by his first wife), does hereby relinquish all right, title and interest in and to benefits with the Delaware Indians of the Union Agency, Indian Territory; this in consideration of the enrollment of the said minor child as a member of the Delaware Tribe of Indians residing upon the Wichita Indian Reservation, Kiowa Agency, Oklahoma.

Witnesses:

Jno P Blackman

Jasper Exendine

Subscribed before me this 26th day of February, A. D., 1901.

James F. Randlett

1st. Col. U.S.A., U.S. Indian Agent.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 6, 1903.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, hereby certify that the above and foregoing is a true and correct copy of the original.

Nettie E. Whit

Kiowa Agency,

Anadarko, Okla., February 26, 1901.

✓
Mary Exendine, for herself and for and on behalf of her
minor children, Oliver and Annie (by her first husband) does hereby
relinquish all right, title and interest in and to benefits with the
Delaware Indians of the Union Agency, Indian Territory; this in con-
sideration of the enrollment of herself and her said minor children
as members of the Delaware Tribe of Indians residing upon the Wichita
Indian Reservation, Kiowa Agency, Oklahoma.

Witnesses:

Fred Exendine)

Jno P Blackman)

her
Mary Exendine (x)
mark

Subscribed before me this 26th day of February, A. D., 1901.

James F. Randlett,

Lt. Col. U.S.A., U.S. Indian Agent.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 6, 1903.

I, the undersigned, a stenographer to the Commission to the
Five Civilized Tribes, hereby certify that the above and foregoing
is a true and correct copy of the original.

Mattie E. Whit

COPY.

Delaware D-46

Muskogee, Indian Territory, July 17, 1903.

Mary Escondido,

Care James F. Randlett, United States Indian Agent,

Anadarko, Oklahoma.

Dear Madam

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and Oliver, Albert, Annie, Frank and Joseph Escondido, as citizens of the Cherokee Nation of Delaware blood, together with a copy of the Commission's decision dated June 1, 1903, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. D. Needles.

Commissioner in Charge.

Enc. D-26

Register.

COPY

Delaware D-48

Muskogee, Indian Territory, July 17, 1903.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Mary, Oliver, Albert, Annie, Frank and Joseph Brendine as citizens of the Cherokee Nation of Delaware blood, including the Commission's decision dated June 1, 1903, rejecting said application.

Respectfully,

T. E. Needles

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-30

COPY

De Moore D-46

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, rejecting the application for the enrollment of Mary, Oliver, Albert, Annie Frank and Joseph Exendine as citizens of the Cherokee Nation of Delaware blood.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-29

Cherokee-Delaware
D-46.

Muskogee, Indian Territory, December 15, 1903.

Mary Exendine,

Care James P. Randlett,

U. S. Indian Agent, Anadarko, Oklahoma.

Dear Madam:

You are hereby advised that the Commission's decision, dated June 1, 1903, rejecting the application for the enrollment of yourself and your minor children, Oliver, Albert, Annie, Frank and Joseph Exendine, as citizens of the Cherokee Nation of Delaware blood, was affirmed by the Secretary of the Interior on December 4, 1903.

Respectfully,

Chairman.

Cherokee-Delaware
D-46.

Muskogee, Indian Territory, December 15, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated June 1, 1903, rejecting the application for the enrollment of Mary Krendine and her minor children, Oliver, Albert, Annie, Frank and Joseph Krendine, as citizens of the Cherokee Nation of Delaware blood, was affirmed by the Secretary of the Interior on December 4, 1903.

Respectfully,

Chairman.

Refer in reply to the following:
Land. 45,185-1903.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, Nov. 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for the consideration of the Department, the record of proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application for the enrollment of Mary, Oliver, Albert, Annie, Frank and Joseph Exendine, as citizens of the Cherokee Nation, of Delaware blood.

On June 1, 1903, the commission rendered a decision in this case finding that said applicants have been enrolled as members of the Delaware tribe of Indians, residing in the Wichita Indian reservation, at the Kiowa Agency, Oklahoma, and have relinquished all right, title and interest in and to the benefits to be derived as citizens of the Cherokee Nation, of Delaware blood, by reason of which fact the commission is of the opinion that the applicants having been enrolled as members of the Delaware tribe of Indians, at the Kiowa Agency, Oklahoma, lost their citizenship in the Cherokee Nation, and that their application for enrollment as citizens thereof should be denied, in accordance with the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495).

I consider that under the facts stated, and which are supported by the record evidence, the applicants herein are not entitled to enrollment, as applied for by them, and I therefore recommend that the decision of the commission be affirmed by the Department.

(W.C.B.)P.

Very respectfully,
W.A. Jones, Commissioner.

D.C. 54030.

JP. WHR. LRS.

ITD. 8428-1903.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 4, 1903.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 17, 1903, you submitted the record of proceedings in the matter of the application for enrollment of Mary, Oliver, Albert, Frank, Annie and Joseph Krendine, as citizens of the Cherokee Nation, of Delaware blood.

It appears that all of the applicants have been enrolled as members of the Delaware tribe of Indians residing in the Wichita Indian reservation, Kiowa Agency, Oklahoma.

They have relinquished all right, title and interest in and to the benefits to be derived as citizens of the Cherokee Nation of Delaware blood.

On June 1, 1903, you held that under the circumstances they were not entitled to enrollment and the application was rejected.

Submitting the matter November 28, 1903, the Commissioner of Indian Affairs recommended that your decision be concurred in.

Finding no reason to disturb your decision it is hereby affirmed.

A copy of the Commissioner of Indian Affairs' letter of November 28, 1903, is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Cher R 996

Cher R 996

Cher. Roll 347

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Fred Hendrix, page 367, # 255, Coconawawee District;
Note: "See relinquishment filed March 2, 1901";
Also on Delaware pay roll, page 9, # 305, as Fred Hendrix.

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 18, 1902.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Fred Brendine as a citizen of the Cherokee Nation of Delaware blood.

DECISION.

The record in this case shows that on June 30, 1902, Reast Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Fred Brendine as a citizen of the Cherokee Nation of Delaware blood.

The evidence shows that the said Fred Brendine has been enrolled as a member of the Delaware Tribe of Indians residing in the Wichita Indian Reservation, Kiowa Agency, Oklahoma, and has relinquished all right, title and interest in and to the benefits to be derived as a citizen of the Cherokee Nation of Delaware blood.

The evidence further shows that the said Fred Brendine is identified on the Cherokee census roll of 1896.

It is, therefore, the opinion of this Commission that Fred Brendine, having been enrolled as a member of the Delaware Tribe of Indians in the Kiowa Agency, Oklahoma, lost his citizenship in the Cherokee Nation, and that the application for his enrollment as a citizen of the Cherokee Nation of Delaware blood, should be denied, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, I. T.,

this JUN 1 - 1903

Kiowa Agency,

Anadarko, Okla., February 26, 1901.

Fred Exendine, of lawful age, does hereby, for himself, relinquish all right, title and interest in and to benefits with the Delaware Indians of the Union Agency, Indian Territory; this in consideration of the enrollment of himself as a member of the Delaware tribe of Indians re residing upon the Wichita Indian Reservation, Kiowa Agency, Oklahoma.

Witnesses:

Jno. W. Election

Fred Exendine

Subscribed before me this 26th day of February, A. D., 1901.

James F. Randlett.
Lt. Col. U. S. A., U. S. Indian Agent.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 6, 1903.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, hereby certify that the above and foregoing is a true and correct copy of the original.

Walter E. Allen

COPY.

Delaware D-47

Muskogee, Indian Territory, July 17, 1903.

Fred Kordine,

Care James F. Randlett, United States Indian Agent,
Anadarko, Oklahoma.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen of the Cherokee Nation of Delaware blood, together with a copy of the Commission's decision dated June 1, 1903, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. J. [Signature]
Commissioner in Charge.

Enc. D-23

Register.

COPY

Delaware D-47

Muskogee, Indian Territory, July 17, 1903.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith enclosed the record of proceedings had in the matter of the application for the enrollment of Fred Brandine as a citizen of the Cherokee Nation of Delaware blood, including the Commission's decision dated June 1, 1903, rejecting said application.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs,

Enc. D-27

COPY.

Delaware D-47

Muskogee, Indian Territory, July 17, 1903.

W. V. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, rejecting the application for the enrollment of Fred Exending as a citizen of the Cherokee Nation of Delaware blood.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. J. [unclear]

Commissioner in Charge.

Enc. D-26

Delaware D-47.

Muskogee, Indian Territory, December 15, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated June 1, 1903, rejecting the application for the enrollment of Fred Exendine as a citizen of the Cherokee Nation of Delaware blood, was affirmed by the Secretary of the Interior on December 4, 1903.

Respectfully,

Chairman.

Delaware D-47

Muskogee, Indian Territory, December 15, 1903.

Fred Brendine,

Care James F. Randlett, U. S. Indian Agent,
Anadarko, Oklahoma.

Dear Sir:

You are hereby advised that the Commission's decision, dated June 1, 1903, rejecting the application for your enrollment as a citizen of the Cherokee Nation of Delaware blood, was affirmed by the Secretary of the Interior on December 4, 1903.

Respectfully,

Chairman.

Refer in reply to the following:
Land. 45,186-1903. (COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Nov. 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for the consideration of the Department, the record of proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Fred Exendine for the enrollment of himself as a citizen of the Cherokee Nation, of Delaware blood.

On June 1, 1903, the Commission rendered a decision in this case finding that the evidence shows that said Fred Exendine has been enrolled as a member of the Delaware tribe of Indians, residing in the Wichita Indian reservation, Kiowa Agency, Oklahoma, and has relinquished all right, title and interest in and to the benefits to be derived as a citizen of the Cherokee Nation of Delaware blood; that it further appears from the evidence that said Fred Exendine is identified on the Cherokee census roll of 1896.

By reason of the foregoing the commission is of the opinion that the applicant having been enrolled as a member of the Delaware tribe of Indians, at the Kiowa Agency, Oklahoma, lost his citizenship in the Cherokee Nation and that his application for enrollment as

a citizen of the Cherokee Nation of Delaware blood should be denied in accordance with the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495),

I have examined the record in this case and concur with the commission in its said decision that the application herein should be denied, and I therefore recommend that its said decision be affirmed by the Department.

Very respectfully,

W.A. Jones,

Commissioner.

(W.C.P.)P.

D.C. 34029.

JP.WHR.LRS.

ITD.8426-1903.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 4, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 28, 1903, the Commissioner of Indian Affairs transmitted the papers in the Cherokee enrollment case of Fred Exendine, and recommended that your decision of June 1, 1903, adverse to the applicant, be affirmed.

It appears that Exendine is a Delaware Indian residing in the Wichita reservation and has been enrolled at the Kiowa Agency, Oklahoma.

On February 26, 1901, he relinquished all right, title and interest in and to benefits with the Delaware Indians in the Indian Territory. His name is borne on the 1896 Cherokee roll.

You held that by enrollment in the Kiowa Agency, he lost his citizenship in the Cherokee Nation.

The Department concurs in your decision and it is hereby affirmed.

A copy of the Commissioner of Indian Affairs' report of November 28, 1903, is inclosed.

Respectfully,

(signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Cher R 997

Trans from Cher D 1593

Cher R 997

R
Cher. D 1893

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1896
Cherokee roll, their families and their descendants:

Martin Bagworthy, page 247, § 702, Baltimore District; Md. Term.
Note: "In Oklahoma 12 yrs. Wife drew land with aboriginal
rights".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this 18 day of July, 1902.

[Signature]
Notary Public.

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CHOL B. 1902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind. Ter., September 19, 1902.

SUPPLEMENTARY TESTIMONY In the matter of the application of Har-wal-le-pe-se for the enrollment of herself, her three minor children, Mary, Walter and Willie Washington, and her three minor grandchildren, Harry, Sam and Annie Dougherty, as citizens, by blood, of the Creek Nation.

John B. Hesey, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your full name? A John B. Hesey.
Q What is your age? A Thirty-one years.
Q What is your post office address? A Stroud, Oklahoma.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by this Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that John B. Hesey is listed for enrollment, as a citizen of the Creek Nation, on Creek Indian Card, Field No. 778.

- Q Are you acquainted with Thomas Washington? A Yes, sir.
Q Where does he reside? A He lives in the Creek Nation, within about a couple of miles of the old Hesey post office, which has been discontinued.
Q Is Thomas Washington a citizen of the Creek Nation? A No, sir; I couldn't say for sure, but they claim not.
Q Is he a Shawnee Indian? A Yes, sir; that is my understanding.
Q Do you know his wife? A Yes, sir; I know her when I see her.
Q What is her name? A Well, sir; I couldn't tell you. She can't speak a word of English--good enough to talk to me, anyway.
Q Do you know what she is called? A Solo, the Shawnee Indians call her--that is what her son told me, about a month ago.
Q Have you heard her called by any other name? A No, sir.
Q Did you ever hear her called Har-wal-le-pe-se? A No, sir; never heard any one call her that.
Q How long has Solo been living with Thomas Washington? A I couldn't tell you.
Q How long has Thomas Washington and his wife lived near you? A Why, I moved near them; they were there when I went there about eight years ago.
Q You reside near the old Hesey post office? A Yes, sir; I live right there in the house.
Q Thomas Washington and his wife are near neighbors, then? A Yes, sir.
Q They have resided near you continuously ever since you have been living at Hesey? A Yes, sir; they have been living there ever since I got acquainted with them.
Q Did you ever hear of Thomas Washington having any other wife besides Solo? A I never heard any one speak of it--Well, I suppose so by the eldest children are married around are not his wife's that he is living with now; I suppose if he hadn't had another woman, he wouldn't have two sets of children.
Q Has his present wife, Solo, any children? A Yes, sir; it is my understanding. I have seen her carrying children around with her. It is my understanding.
Q How many children has Thomas Washington by Solo? A I couldn't say.

2 Supplemental Testimony In Re application for enrollment of
Har-wal-le-pe-se et al., as citizens by blood of the Creek Nation.

John B. Hosey, witness.

Examination by the Commission.

Q Do you know the names of any of the children? A No, sir; they are all small, it is my understanding.

Q Did you ever hear of Thomas Washington having any children by the name of Mary, Willie and Walter Washington? A Not only what I heard here. I have seen them carrying them around, that is all I know. I never did ask what their names are.

Q Well, has this woman Sole ever received an allotment in the Shawnee Country? A That is my understanding; yes, sir.

Q How do you know that she has received a Shawnee allotment?

A Just what the Indians told me, and the agent.

Q Do you know whether any of Thomas Washington's youngest children have received Shawnee allotments? A No, sir; I couldn't say. I never made no inquiry about it.

Q Can you positively identify this woman Sole, you speak of, as the same person who makes application for the enrollment of herself, and her three minor children, and her three minor grandchildren, under the name of Har-wal-le-pe-se, as citizens of the Creek Nation? A I couldn't say--I never seen them come down here, but I know the woman who lives there, and stays there, is the one that takes allotment; of course, I wasn't here when they come down, and I couldn't say whether it is the same woman or not.

Q Did you say that the United States Indian Agent of the Sac and Fox agency, who was agent at the time allotments were made to Thomas Washington and Sole in the Shawnee country, informed you that Sole had received an allotment in that country? A Why, I don't remember who it was that was agent at that time, it has been several years ago and, of course, I wasn't living out in there at that time and I never made no inquiry.

Q Who told you that Sole had received an allotment? A Lee Patrick, was the agent's name; he is---I believe, last winter, he resigned, I think.

Q Where does Lee Patrick live now? A He lives at Chandler, I think.

Q Well, who is the present agent of the Sac and Fox Agency?

A I couldn't tell you. He told me, but I never put the name down, and I have forgotten it.

Q Would a letter reach him addressed to the United States Indian Agency, Sac and Fox Agency, Oklahoma Territory? A Yes, sir; he would get it that way.

Q Do you know who the United States Indian Agent is at Shawnee?

A I have his name at home, but I never brought it with me, and I can't think of that.

Q Can you secure a certificate from the United States Indian Agent, showing that Sole has received an allotment of land in the Shawnee Country? A This name, yes, sir; I examined the rolls myself, the Indian Agent and myself.

Q Can you also secure a certificate from the United States Indian Agent, showing that Sole is the wife of Thomas Washington? A I suppose so, yes, sir; they are living together, and they don't claim anything else. That is what it says on the rolls, I knew.

Q Are you quite positive that Sole, and Har-wal-le-pe-se who has made application to the Commission for the enrollment of herself and three minor children and three minor grandchildren, are one and the same person? A I couldn't say, but I am satisfied that is my understanding--well, I couldn't say that my understanding is this is his wife--Sole is Thomas Washington's wife; and it was my understanding it was Thomas Washington's wife come down here and applied for enrollment; I suppose it is the same one.

Q Do you know about how old Sole is? A It is hard telling about these Indians. Some look young and they claim to be old. I suppose somewhere along near about forty or fifty--somewhere along there. Thomas Washington is grayheaded. He is a good bit older. I don't think she is turning gray yet.

3 Supplemental Testimony Re Application for the enrollment of
Mar-wal-le-po-se et al. as citizens by blood of the Creek Nation.

John B. Hasty, witness.

Examination by the Commission.

Q Are there any other women living with Thomas Washington? A His daughter, Martin Dougherty's wife, a son-in-law, and Willie Mark, living with one of Thomas Washington's girls---they are all living there together, son-in-laws and grown children.

Q Will you endeavor to secure the certificates from the United States Indian Agent, herein referred to, and forward the same to the Commission here? A Yes, sir.

Q You stated that Thomas Washington had two sets of children?

A That is my understanding. The oldest ones were married. I don't think that is his wife's children who is living with him now. It is my understanding that he has two sets of children. I suppose she died before they had taken allotments over there, because Sole, because Sole taken allotment with him over there, because I examined the rolls--the agent and me--to look after that thing.

Q Is this Sole the mother of Thomas Washington's youngest children?

A I think so, but I couldn't say about that, but these oldest ones, it is my understanding, they told me they were Thomas Washington's grown children, but when I went over there, I think the agent told me they were on the rolls there as his children.

The undersigned, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported all the proceedings had in the above entitled cause, on the 19th day of September, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Subscribed and sworn to before me this 20 day of September, 1902,
at Muskogee, Indian Territory.

Oliver O. Hinkle

day of September, 1902,

W. S. Roney
Notary Public.

C. D. 1593

FILED
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COMMISSION TO FIVE TRIBES

REPORT OF THE
COMMISSION TO FIVE TRIBES

THE COMMISSION TO FIVE TRIBES
WAS ORGANIZED BY ACT OF CONGRESS
MARCH 3, 1891, AND HAS SINCE THAT TIME
BEEN ENGAGED IN A STUDY OF THE
PROBLEMS OF THE FIVE TRIBES
AND IN THE PREPARATION OF A
REPORT TO THE HOUSE OF REPRESENTATIVES
ON THE RESULTS OF ITS WORK.

THE COMMISSION HAS BEEN
FORTUNATE IN OBTAINING THE
COOPERATION OF THE
INDIAN AGENTS AND
OTHER OFFICIALS OF THE
DEPARTMENT OF THE INTERIOR
AND OF THE BUREAU OF INDIAN AFFAIRS
IN THE COLLECTION OF THE
DATA WHICH ARE HEREIN
PRESENTED.

CD 1593

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., APRIL 10, 1905.

In the matter of the application of Martin Daugherty
for the enrollment of his three minor children, Harry, Sam
and Annie, as citizens of the Cherokee Nation of Shawnee
blood.

MARTIN DAUGHERTY being first duly sworn, testifies as follows:

- Q What is your name? A. Martin Daugherty.
Q What is your residence? A. I live in the Creek nation, near
the line of Oklahoma.
Q What is your postoffice? A. Sac and Fox Agency.
Q That is in Oklahoma is it? A. In Oklahoma, yes sir.
Q About how old are you? A. I don't know just how old I am,
I never was told my age; about thirty.
Q What is your father's name? A. George Daugherty
Q Is he living? A. No he is dead.
Q What district did he live in? A. I don't remember, I think
he lived in Cooweescoowee District.
Q What is the name of your mother? A. Mary Daugherty
Q Is she living or dead? A. She is dead.
Q You are of Shawnee blood? A. Yes sir.
Q Have you any brothers and sisters? A. I have one full sister
I have half brothers.
Q What is your sister's name? A. Rosa Daugherty
Q Have you a brother named Ridley Daugherty? A. That is my half-
brother.

Applicant is identified on the 1880 Cherokee census roll
Delaware District, No. 792, as Martin Daugherty.

- Q Since 1880, where have you lived? A. 1880--I lived with
my half brother, Tom Daugherty.
Q Until when? A. Until 1885-- went to school in Kansas..
Q How long did you stay there? A. About a year and a half
Q That brings it down to 1887, then where have you been?
A. Been in Oklahoma since, don't remember just how long.
Q After you returned from school in Kansas how long did you
remain in the Cherokee Nation? A. Two or three months.
Q How old were you at that time? A. I don't know--I don't
remember.
Q Were you grown? A. Yes, I was a grown up boy
Q Not a man. A. Oh no, just a boy.
Q And where did you go from there? A. I went into Oklahoma, but
it was before it was Oklahoma then, in Pottawatomie County.
Q Lived there with the Indians
A. Yes sir, worked around in there.

Martin Daugherty et al.--#2.

- Q Have you lived there ever since? A. Have been there ever since; not in Pottowatomie County, I moved from there over into the Creek Nation. I am there now.
- Q When did you move into the creek Nation? A. In 1891.
- Q Have you lived in the Creek Nation since 1891 and down to the present time? A. Yes sir.
- Q Have you ever drawn any money of the Cherokee Nation? A. Yes sir.
- Q When was the last time you drew any money? A. Well, my brother, that is my halfbrother, drew for me the last time, I don't remember just when it was.
- Q Did you draw the Strip money? A. No, I didn't draw that;
- Q What money did you draw? A. I don't know; Grass money they called it.
- Q Did you take an allotment in Oklahoma? A. Yes sir.
- Q When? A. I forget what year; in '89 I think.
- Q You took an allotment in Oklahoma as a Shawnee? A. Yes, as an Absentee Shawnee.
- Q You have never made your home in the Cherokee Nation since you left there in 1887? A. No, I have three children, I want to get land for them somewhere.
- Q You are married? A. Yes sir.
- Q What is your wife's name? A. Fannie.
- Q Fannie what? A. Fannie Washington.
- Q Where did you marry her? A. In Oklahoma; She is an absentee Shawnee.
- Q Has she ever lived in the Cherokee Nation? A. She never has.
- Q Has your wife taken an allotment there-in Oklahoma? A. Yes sir.
- Q Have you children? A. I have three children, two boys and a little girl.
- Q What are their names? A. Harry, Sam and Annie.
- Q How old is Harry? A. He is about 12.
- Q And Sam is how old? A. He is 10.
- Q And Annie? A. Six last January.
- Q Were you married to Fannie Washington after you moved to Oklahoma? A. Yes sir.
- Q And she never lived in the Cherokee Nation? A. No sir.
- Q Nor your children either? A. No sir.
- Q What is your business? A. Farmer.
- Q Have these children taken allotments in Oklahoma? A. No, they haven't got any allotments.
- Q Do you now want to make application for yourself, your wife, and your three children as Cherokees? A. No. I have got my allotment in Oklahoma, and my wife has got an allotment in Oklahoma, good land and I don't want to give that up, so I just want to apply for my three children, Harry, Sam and Annie.
- Q You don't care to make application for yourself at all? A. No, just for the children.
- Q Have you ever made application for the enrollment of these children in any other Nation? A. Yes sir, I have, in the Creek Nation. I don't remember just what year it was, but in the spring, along about this time.
- Q Do you know whether a decision has been rendered in that case? A. I was notified that my children was not entitled to land on account of my woman's taking allotment in Oklahoma.
- Q You made application for these three at that time? A. Yes sir, I had land picked out for them to file on then.
- Q In the creek Nation? A. Yes sir.
- Q Were you lawfully married to your wife, Fannie? A. No sir.

Martin Daugherty et al--#3.

- Q Have you and Fannie been living together as husband and wife?
A. Yes sir.
- Q For how long? A. Since 1891.
- Q Were these children all born while you were living together?
A. Yes sir.
- Q But you were never married? A. No sir.
- Q Is she your first wife? A. Yes sir.
- Q Are you her first husband? A. Yes sir.
- Q You were not married by a preacher? A. No sir.
- Q Just took up and lived together? A. Yes sir, married according to old Indian custom.
- Q Are these children now living with you? A. Yes sir.
- Q In the Creek Nation? A. Yes sir.
- Q Were they born in the Creek Nation? A. Two of them were, one was born ever in Oklahoma.
- Q Two youngest born in the Creek nation? A. Yes sir.
- Q Do you swear that these three children were born after you and Fannie were living together as husband and wife? A. Yes sir.
- Q Are you and she now living together as husband and wife?
A. Yes sir.
- Q These children are not full blood Shawnees?
A. No they are not full blood Shawnees; they are all mixed up, my wife has got Creek blood.
- Q How much Shawnee blood has she? A. I don't know.

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Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the five Civilized Tribes, she correctly reported the proceedings had in the above cause on the first above mentioned date and that the above and foregoing is a full, true and complete transcript of her stenographic notes therein.

Lucy M. Bowman

Subscribed and sworn to before me this 14 day of April, 1905.

Myron White.

FILED
APR 15 1905
COMMISSION TO FIVE TRIBES

C.B. 1593.

Vinita, Indian Territory, May 23, 1905.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application made for the enrollment of Martin Daugherty as a citizen of the Cherokee Nation of Shawnee blood.

John Greenfeather, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A John Greenfeather.
Q What is your age? A About 50.
Q What is your post office? A Vinita, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Of what blood? A Shawnee.
Q Are you a full blood Shawnee? A About one-fifteenth white.
Q How long have you lived in Delaware District, Cherokee Nation?
A About 30 years, or a little over.
Q Were you once acquainted with a man in Delaware District by the name of Martin Daugherty?
A Yes, I knew him when he was a little boy.
Q What was the name of Martin Daugherty's father?
A George Daugherty.
Q What was the name of his mother?
A I do not remember.
Q Of what blood was Martin Daugherty?
A He was a full blood Shawnee.
Q Was Martin Daugherty living in Delaware District, Cherokee Nation, when the 1880 Cherokee Tribal Roll was made?
A Yes.
Q Would his name appear on that Roll as an adopted Shawnee?
A I think so.
Q When did you first become acquainted with Martin Daugherty?
A Oh, I have been acquainted with him ever since he was born here.
Q Have you known Martin Daugherty from childhood?
A Yes.
Q Are his father and mother both dead?
A Yes, both dead?
Q About how old is Martin Daugherty at the present time?
A I expect he is about 30.
Q Where is Martin Daugherty living at the present time?
A He is at Shawneetown, Oklahoma; he was there the last time I heard from him.
Q How long has it been since Martin Daugherty left the Delaware District, Cherokee Nation?
A It has been a little over 10 years.
Q Where did he go when he left here?
A He staid over there about Bird's Creek, this nation, about three years, and then he went over to Shawneetown and married.
Q Martin Daugherty first went from Delaware District over into Coconawaw District on Bird Creek?
A Yes.
Q He lived there about three years, you state?
A Yes, about three years.

Q Did he then go into Oklahoma?
 A Yes.
 Q How long has he been living in Oklahoma, about 7 years?
 A Yes, I guess.
 Q You say he lives at Shawneetown, Oklahoma?
 A Yes, that is what I have heard.
 Q He does not live in the Cherokee Nation, does he?
 A No.
 Q Is Martin Daugherty a married man?
 A Yes, sir.
 Q How long has he been married?
 A Oh, he has been married, I guess, about 6 or 8 years.
 Q Where did he marry?
 A At that tribe over there - over there in Oklahoma.
 Q Of what blood is his wife?
 A I can't say that, I do not know, but I think Shawnee.
 Q Is that a Shawnee tribe over in Oklahoma?
 A Yes, it's a Shawnee tribe.
 Q How long has it been since you saw Martin Daugherty?
 A About a year.
 Q Where did you see him at that time?
 A Right here in Vinita.
 Q Do you know whether Martin Daugherty has any children or not?
 A I believe he has two.
 Q Have you ever seen those children?
 A No, sir; that is what we heard.
 Q Did Martin Daugherty have relatives who lived here in Delaware District after he went over into Oklahoma?
 A Yes.
 Q What are the names of his relatives?
 A Tom Daugherty.
 Q Is Tom Daugherty who lives in Vinita a brother of Martin?
 A Yes, sir, a brother.
 Q From the time when you first became acquainted with Martin Daugherty up to 8 or 10 years ago, did you know him to live continuously in the Cherokee Nation?
 A Yes, all the time.
 Q Do you know whether he ever made application to the Dawes Commission for enrollment as a citizen?
 A No, I do not.
 Q Did you ever hear him speak of making application?
 A No, sir.
 Q To the best of your information, he has been living in Oklahoma 6 or 8 years, has he?
 A Yes, about that I guess.

Martin Daugherty is identified on the 1890 Cherokee Tribal Roll, Delaware District, number 792, as an adopted Shawnee, and is listed from information on Cherokee D 1593.

W. P. Covington, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he reported proceedings had in the above and foregoing case on the 23rd day of May 1903, and that the above and foregoing is a full and correct transcript of his said stenographic notes taken in said case.

Subscribed and sworn to before me, this June 15th 1903.

W. P. Covington
Notary Public
 Notary Public.

C-22 1593

FILED
JUN 15 1905
COMMISSION TO FIVE TRIBES.

W. G. Brown
Sub-Commissioner

C.D.1593.

Vinita, Indian Territory, June 1, 1905.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application made for the enrollment of Martin Daugherty as a citizen of the Cherokee Nation of Shawnee blood.

Frank Daugherty, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Frank Daugherty.
Q What is your age, Mr. Daugherty? A I am 44.
Q What is your post office? A White Oak, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Of what blood? A Shawnee.
Q How long have you lived in the Cherokee Nation?
A I have lived here since '71.
Q Did you migrate to the Cherokee Nation with the Shawnees?
A Yes, sir.
Q What was your father's name? A David Daugherty.
Q What was your mother's name? A Annie Daugherty.
Q Are your father and mother both dead?
A No, my father is dead, my mother is living.
Q Has she been enrolled as a citizen of the Cherokee Nation?
A Yes, sir.
Q Have you any brothers?
A I have no brothers, but I have a cousin.
Q What is this cousin's name to whom you refer?
A Martin Daugherty.
Q Who is the father of Martin Daugherty?
A George Daugherty.
Q Who is his mother?
A His mother was a Kizer.
Q What was her name?
A Her name was Mary Daugherty.
Q Where was Martin Daugherty born?
A He was born just before or just after we came here.
Q How old is Martin Daugherty at the present time?
A He must be along about 30.
Q Was Martin Daugherty living in Delaware District, Cherokee Nation, when the 1880 Cherokee Tribal Roll was made?
A Yes, sir.
Q Is Martin Daugherty of Shawnee blood? A Yes, sir.
Q Were his father and mother living in Delaware District when the 1880 Roll was made?
A Yes, sir.
Q Do their names appear on that roll?
A I reckon they do.
Q In what district? A Delaware District.
Q Is Martin Daugherty a full blood Shawnee?
A Yes, he is about as near a full blood as you can get.

(2).

- Q From the time of Martin Daugherty's removal to the Cherokee Nation, or birth in the Cherokee Nation, how long did he continue to live in that Nation?
- A He continued to live here until he went over into the Creek Nation.
- Q How long has it been since Martin Daugherty left the Cherokee Nation and went into the Creek Nation?
- A I could not say.
- Q Did he go into the Creek Nation before the 1894 Strip Payment?
- A Yes.
- Q Did he draw Strip Payment money?
- A No.
- Q How long before that payment?
- A Well, sir, I could not say; probably a year.
- Q Has Martin Daugherty returned to the Cherokee Nation since he left?
- A Yes, sir.
- Q Made his home here? A Yes, sir.
- Q When did he return the first time to establish a home in the Cherokee Nation after he left?
- A He did not establish a home of his own, but he came to my house and staid a year about 5 or 6 years ago.
- Q What did he do while there?
- A He did not do anything, just staid with me.
- Q Where does Martin Daugherty live at the present time?
- A In the Creek Nation.
- Q What is his post office address?
- A I just made a guess when I wrote him at Soc and Fox Agency.
- Q In what part of the Creek Nation does he live - Western part?
- A Yes, I think so, Western part.
- Q Has Martin Daugherty lived anywhere else except in the Creek Nation since he left the Cherokee Nation about '91 or '92.
- A No.
- Q Has he ever lived outside of the Indian Territory?
- A No, sir.
- Q Is Martin Daugherty a married man? A Now he is.
- Q What is the name of his wife? A I could not tell.
- Q Where was he married? A Over there in the Creek Nation.
- Q Is his wife a white woman or Indian?
- A Shawnee.
- Q Where was she reared? A Over there I suppose.
- A Over where?
- A Over there in the Creek Nation; she is a Shawnee but I never knew her.
- Q Has Martin Daugherty any children?
- A Yes, he had two when I saw him last.
- Q What are the names of these children? A I do not know.
- Q How old is the youngest one of these children now?
- A The two I knew would be about 6 or 7 years old; the youngest -
- Q Is there a third one?
- A It seems to me somebody told me there was a third child.
- Q You do not know the name of either of them?
- A No, I do not; their aunt over in the hills knows their names and ages.
- Q Why did Martin Daugherty remove to the Creek Nation?
- A Well, just had a notion he wanted to go there.

G.D. 1593.

(3).

- Q Has he any land in the Creek Nation?
A I think so.
Q How did he come in possession of that Creek land?
A He just asked to allot it; it was free for them to allot; the Shawnees have a reservation there, the Absentee Shawnees.
Q Has the Shawnee Tribe a colony over there? A Yes.
Q Have these Absentee Shawnees a right in the Creek Nation?
A I think so.
Q Do you know whether or not Martin Daugherty has selected land there?
A Yes, he said he did.
Q When? A About 7 or 8 years ago.
Q Does his wife belong to that Absentee Tribe? A Yes.
Q How much land did he select? A I do not know.
Q Has his wife land there too?
A Yes, I think so; these children were born since and there was no land for them.
Q Do you know whether or not Martin Daugherty claims, either for himself or for his children, any interest in the lands or other tribal property of the Cherokee Nation?
A No, I do not.

Martin Daugherty is identified on the 1880 Cherokee Tribal Roll, Delaware District, number 792, and is listed from information on Cherokee Doubtful Card 1593.

208-02 and
W. P. Covington, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he reported proceedings had in the above and foregoing case on the 1st day of June 1905, and that the above and foregoing is a full and correct transcript of his said stenographic notes taken in said case.

Subscribed and sworn to before me, this June 22, 1905.

W. P. Covington
Geo. P. Braum
Notary Public.

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Cherokee D-1593.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application made for the enrollment of Martin Daugherty, his family and descendants, as citizens of the Cherokee Nation.

-: D E C I S I O N :-

The record in this case shows that on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for the enrollment of Martin Daugherty, his family and descendants, as citizens of the Cherokee Nation. Further proceedings were had in this case at Muskogee, Indian Territory, April 10, 1902, and at Vinita, Indian Territory, May 23 and June 1, 1905.

The record herein further shows that the "family and descendants" of the said Martin Daugherty consist of his wife, Fannie Daugherty, and his three minor children, Harry, Sam and Annie, who, on September 1, 1902, were about nine, seven and three years of age, respectively.

It is further shown from the record in this case that the said Martin Daugherty was a recognized citizen of the Cherokee Nation, being identified on the 1880 Cherokee Authenticated Tribal Roll, Delaware District, as an adopted Shawnee; that he continued to reside in the Cherokee Nation from 1880 until about 1887, when he took up his residence among, and identified himself with, the Absentee Shawnees of the Sac and Fox Agency, Oklahoma; that he accepted an allotment of land as an Absentee Shawnee in said Territory about 1889, and about this time was married to Fannie Daugherty, an Absentee Shawnee woman; and that he and his said wife continued to reside in Oklahoma until about 1891, when they removed to the Creek Nation, Indian Territory, where they have since made their home.

It is further shown from the record herein that whatever rights these minor applicants have as citizens of the Cherokee Nation are derived solely through their said father.

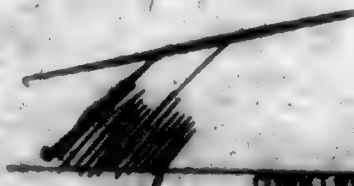
It does not appear that the said Fannie Daugherty, or the minor applicants herein, have ever been enrolled by the tribal

-2-

authorities of the Cherokee Nation, neither does it appear that they have ever been admitted to citizenship in said Nation by the legally constituted authorities thereof, nor by the Commission to the Five Civilized Tribes, nor by the United States Court for the Indian Territory, under the provisions of the Act of Congress approved June 10, 1896.

Following the decision of the Department in the case of Nancy Ray, et al., (I. T. D. 4991-1902), it is the opinion of the Commissioner that whatever rights the said Martin Daugherty might have had as a citizen of the Cherokee Nation have been forfeited by him, and that, as the said minor applicants were born subsequent to said forfeiture by their said father, they can have no rights as citizens of the Cherokee Nation through him.

It is, therefore, ordered and adjudged that, under the provisions of section twenty-one of the Act of Congress approved June 20, 1896, (30 Stat., 495), Martin Daugherty, (his family and descendants) Fannie Daugherty, Harry Daugherty, Sam Daugherty and Annie Daugherty, are not entitled to enrollment as citizens of the Cherokee Nation, and their application for enrollment as such is accordingly denied.



COMMISSIONER.

Dated at Muskogee, Indian Territory,
this OCT 7 - 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nar-wal-le-pe-se for the enrollment of herself, her three minor children, Mary, Walter and Willie Washington, and her three minor grandchildren, Harry, Sam, and Annie Dougherty, as citizens of the Creek Nation.

D E C I S I O N

It appears from the record in this case that on June 2nd, 1902, "Nar-wal-le-pe-se" appeared before the Commission, at Muskogee, Indian Territory, and made application for the enrollment of herself, her three minor children, Mary, Walter and Willie Washington, and her three minor grandchildren, Harry, Sam and Annie Dougherty, as citizens of the Creek Nation.

Section 9 of the Creek Supplemental Treaty, approved by Congress June 30, 1902, and ratified by the Creek National Council, July 26, 1902 (Public--No. 200), provides,--

"That the Dawes Commission be, and is hereby
"authorized to add the following persons to the
"Creek roll: Nar-wal-le-pe-se, Mary Washington,
"Walter Washington and Willie Washington, who
"are Creek Indians, but whose names were left
"off the roll through neglect on their part."

Accordingly, the said Nar-wal-le-pe-se, Mary Washington, Walter Washington and Willie Washington, have been regularly enrolled as citizens of the Creek Nation.

It does not appear that said Harry, Sam and Annie Dougherty, have been identified as full-blood Creek Indians; neither do their names appear upon any of the tribal rolls of the Creek Nation, nor have they been admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes; nor by the legally constituted authorities of the Creek Nation; nor by the United States court in Indian Territory, on appeal, in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does appear, however that Martin Dougherty and Fanny Dougherty, the parents of said Harry, Sam and Annie Dougherty, are recognized Shawnee Indians, and that they have taken their allotments of land in the Shawnee country, and that said Harry, Sam and Annie Dougherty were born since the allotment of lands was made in said Shawnee country.

It is therefore the opinion of this Commission that said Harry, Sam and Annie Dougherty, are not citizens of the Creek Nation, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Dated at Muskogee, Indian
Territory, this 13th day
of November, 1902.

(signed) TANK BLAIR, Acting Chairman.
(signed) T. B. HEADLES, Commissioner.
(signed) C. R. BRIDGES, Commissioner.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and

foregoing decision is a full, true and correct copy of the original thereof on file with the records of the aforesaid Commission.

Sworn to and subscribed before me
this the 12 day of April, 1905.

Wm. C. Campbell April 11, 1905.

[Signature]

J. E. Tarnish

Notary Public.

COPY.

Cherokee D-1593.

Muskogee, Indian Territory, January 27, 1903.

Rose Dougherty,

Vinita, Indian Territory.

Dear Madam:

Application has been made to this Commission for the enrollment of Martin Dougherty, as a citizen of the Cherokee Nation; his name appearing upon the 1880 Authenticated Cherokee Roll as a resident of Delaware District.

If you have any knowledge relative to the whereabouts of said applicant, kindly inform the Commission of the same at the earliest possible date.

An envelope for reply is enclosed herewith.

Respectfully,

Enc. Env.

(SIGNED) *Tams Bixby.*
Chairman.

~~1175~~

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Q 1593

Dougherty, Rose,
Chilocco, O.T.,
Feb. 2, 1905.

states she can give no information relative to Martin Dougherty.

Chillico, Okla.,

Feb. 9, 1905.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Sirs.

Your letter was received to
day I am sorry but I can not
give you any information in
regard to Martin Dougherty.

Respectfully

Rose Dougherty

Vinita, Indian Territory, May 23, 1905.

Commissioner to the Five Civilized Tribes,
Cherokee Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

Since our last report we have taken testimony in the following cases:

- C. D. 1562. Applicant deserted his Cherokee wife 18 years ago; left Cherokee Nation with a band of outlaws.
- C. D. 1633. Applicant died prior to September 1, 1902.
- C. D. 1656. Applicant died prior to September 1, 1902.
- C. D. 2786. Married her Cherokee husband subsequent to December 16, 1895.
- C. D. 1553. Applicant died prior to September 1, 1902.
- C. D. 1554. Applicant died prior to September 1, 1902.
- C. D. 1593. Applicant removed from the Cherokee Nation 10 or 12 years ago to Oklahoma Territory; resided near Shawnee town, where he is now living.
- C. D. 1497. Applicant died about 1883.
- C. D. 1355. Applicant's Cherokee wife died soon after the 1880 roll was made; applicant married about 1883 or 1884, a white woman, with whom he now resides at Miles, I. T.
- C. D. 1661. Separated from his Cherokee wife and removed to Oklahoma Territory.

C. D. 1559. Applicant died about 1890.

C. D. 2825. Applicant's correct name is Henry Barnett, and he is
at present living near Cattaloo, I. T.

Respectfully,

Signed Fred P. Branson

Cherokee D-1593.

COPY.

Muskogee, Indian Territory, October 23, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 7, 1905, rejecting the application for the enrollment of Martin, Fannie, Harry, Sam and Annie Daugherty as citizens of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Jame Kirby

Commissioner.

Incl. S-57

Cherokee D-1593.

COPY.

Muskogee, Indian Territory, October 23, 1906.

Martin Daugherty,

Sac and Fox Agency, Oklahoma.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as citizens of the Cherokee Nation, together with a copy of the Commissioner's decision dated October 7, 1906, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

James D. Felt

Commissioner.

Incl. 8-86
Register

COPY.

Muskogee, Indian Territory, October 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment, as citizens of the Cherokee Nation, of Martin Daugherty, et al., including the Commissioner's decision dated October 7, 1905, rejecting said application.

Respectfully,

Incl. 8-58

L. B. Smith
Commissioner.

Through the

Commissioner of Indian Affairs.

D. C. 53605-1905
I.T.D. 14936-1905.
LRS

(COPY)

Y.P.
FHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 24, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 23, 1905, you transmitted the record in the matter of the application for the enrollment of Martin Daugherty, his wife, Fan ie Daugherty, and his three minor children, Harry, Sam, and Anne Daugherty, as citizens of the Cherokee Nation, including your decision of October 7, 1905, reflecting said application.

Reporting November 11, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Hyatt

First Assistant Secretary.

1 inclosure.

(COPY)

Land.
86165-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. November 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 25, 1905, transmitting the record of the application for enrollment as citizens of the Cherokee Nation by Emmet Starr for Martin Daugherty, his wife, Fannie Daugherty, and his three minor children, Harry, Sam, and Anna Daugherty.

October 7, 1905, the Commissioner decided adversely to all the applicants. The record shows that Martin Daugherty was a recognized citizen of the Cherokee Nation identified on the 1880 authenticated Cherokee roll as an adopted Shawnee; that he continued to reside in the Cherokee Nation from 1880 until about 1887, when he took up his residence among and identified himself with the Absentee Shawnees of the Sac and Fox Agency, Oklahoma Territory; that he accepted an allotment of land as an Absentee Shawnee in Oklahoma about 1889 and about the same time was married to Fannie Daugherty, an Absentee Shawnee woman; that he continued to reside with his wife in Oklahoma until about 1891 when they removed to

the Creek Nation, Indian Territory, where they have since made their home. It is further shown that the minor applicants derive their sole rights as Cherokees through their father. It does not appear that Fannie Daugherty or the minor applicants have ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal.

In view of the record and of the decision of the Department in the Nancy Sky case of May 9, 1903 (I.T.D. 4441-1903), the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

MMW-VDM

Cherokee D-1693.

COPY:

Muskogee, Indian Territory, December 5, 1905.

Martin Daugherty,

Sac and Fox Agency, Oklahoma.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 7, 1905, rejecting the application for the enrollment of yourself, your wife, Fannie Daugherty, and your children, Harry, Sam and Annie Daugherty, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 24, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED.

Henry B. Peace
Acting Commissioner.

Incl. 9-16

Cherokee D-1593.

COPY:

Muskogee, Indian Territory, December 5, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 7, 1905, rejecting the application for the enrollment of Martin, Fannie, Harry, Sam and Annie Daugherty as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 24, 1905.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. 3-17

ORIGINAL

H. O. B. [Signature]
Acting Commissioner.

Cher R 998

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Cher R 999

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

James Bullett, being duly sworn and examined by the Commission,
testifies as follows:

- Q What is your name? A James Starr.
Q How old are you? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q How often do you desire to make application for enrollment?
A For the following named persons on the 1898 Cherokee roll,
their families and descendants:

Book Davis, page 464, # 1004, Delaware District;
Note: "In Georgia".

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 18, 1902.

B. C. Jones
Notary Public.

JUR

Cherokee No. D-2772
D-2773.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE,
Tahlequah, I. T., December 8, 1904.

In the matter of the application for the enrollment of
Dock Davis, Cherokee D-2772 and Susan Maud Davis, Cherokee D-2773,
as citizen of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

JOSEPH W. DAVIS, being duly sworn and examined by the
Commission, testified as follows:

- Q What is your name? A Joseph W. Davis.
Q How old are you? A 54.
Q What is your postoffice? A Adair.
Q Are you a Cherokee by blood? A Yes sir.
(The records of the Commission show that the witness has been
duly enrolled as a Cherokee by blood).
Q Do you know Dock and Susan Maud Davis? A Yes sir.
Q Are they your children? A Yes sir.
Q Where is Dock Davis? A In Georgia.
Q What is his postoffice? A Headwig.
Q Is he living at the present time? A He is if he hasn't died
in two weeks.
Q Were you admitted and re-admitted to citizenship in the Cherokee
Nation? A Yes sir.
Q In what year? A In 1887.
Q Were you admitted as a North Carolina or Georgia Cherokee? A
An Eastern Cherokee I suppose.
Q Have you a wife? A Yes sir.
Q Is she a Cherokee by blood? A No sir, she is a white woman.
Q Was she admitted with you-- was she enrolled? A I don't know.
Q Did you have children Mary E., Daisy B., Susan Maud, Berilla E.,
Amanda, Florence and Joseph J.? A Yes sir, Mary E. is dead.
Q That is your oldest child? A Yes sir.
Q Were they all admitted with you? A Yes sir. She has two
children; her and her husband are both dead and I have the
children.
(The above enumerated names appear in the "list of persons
admitted and re-admitted to Cherokee citizenship by the
National Council and Commissions on citizenship, in the year
1880, and since that year" as having been admitted to
citizenship by the Commission on Citizenship, on December 16,
1887.)
Q Your children Berilla E., Amanda, Florence and Joseph J. were
enrolled with you were they? A Yes sir, but they married since
enrollment? A No sir.
Q What is the reason? A Well they went off; Dock went to
Georgia and they are both married now. They had no homes.

- Q Have you a copy or certified copy of the act of the National Council or Commission admitting you to citizenship? A I have at home.
- Q Did you file that with the Commission when you applied for enrollment of yourself and children? A Yes sir.
- Q How much time was given you in the act of admission to come and locate in the Cherokee Nation? A I don't know as I could tell.
- Q Was there any specified time? A I don't think it reads that way.
- Q Did Dock and Susan Maud come to the Cherokee Nation at the time you did after your admission? A They left in 98 or 99, I don't know which and Maud came back about a year after.
- Q Has she resided here continuously since then? A Yes sir.
- Q Is her present home in Coowescoowee District? A Yes sir.
- Q Her postoffice is what? A Mair.
- Q What is her present name? A England, wife of John England.
- Q Is her husband a citizen? A No sir, he is a white man.
- Q Do you know the date of her marriage? A No sir.
- Q Has she any children? A Yes sir, three; all little ones.
- Q After Susan Maud came to the Cherokee Nation with you in 1897, did she reside here continuously until 1898 or '99? A No sir, I never came till 1892.
- Q You came to the Cherokee Nation in 1892? A Yes sir.
- Q Did she come at the time you did? A Not at the time.
- Q How soon afterwards? A The next year.
- Q In 1893? A Yes sir.
- Q You brought her out here did you? A Yes sir.
- Q Then did she reside here continuously from 1893 until she left in 1898 or 99? A Yes sir.
- Q When she left here in 1898 or 1899 did she retain any property interests here in the Cherokee Nation? A She left a few wearing clothes.
- Q Did she hold any property--real estate in the Cherokee Nation? A No sir, she never had any real estate.
- Q When did Dock come to the Cherokee Nation? A At the same time Maud did.
- Q When did he leave? A He left in the spring before she did, I could not say exactly.
- Q You think Maud left in 1897 or 98? A One of the two, she left first.
- Q Has he ever returned to the Cherokee Nation? A No sir.
- Q Neither Susan Maud nor Dock have held farms in the Cherokee Nation? A No sir.
- Q Does your daughter and son, Susan Maud and Dock Davis, claim to be citizens of the Cherokee Nation? A I have heard her say she was going to try to get in. I guess they are claiming it.
- Q What are the children of Susan Maud named? A One is named Fred; one Pauline and one Dock England.
- Q How old is Fred? A I expect 4 or 5 years old.
- Q How old is Pauline? A I expect 3 maybe.
- Q How old is Dock? A About 5 months I think.
- Q Are they both named England? A Yes sir, but the oldest one is not.
- Q Do you know who is the father of Fred? A No sir, only what I have heard.
- Q Pauline is named England is she? A Yes sir.
- Q Are these children Fred and Payline both living? A Yes sir.

Clinton V. Myers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the supplemental testimony in this case and that the foregoing is a true and correct transcript of his stenographic notes taken therein.

(Signed) Clinton V. Myers.

Subscribed and sworn to before me,
this the 8 day of December, 1904.

(SEAL)

(Signed) J. O. Rosson
Notary Public.

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy.

Subscribed and sworn to before me this the 28th day of December 1904.

Charles H. Howard
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 31, 1908.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Book Davis and Susan Maud England (nee Davis) as citizens by blood of the Cherokee Nation.

APPEARANCES:

Applicants appear in person.

Cherokee Nation by its representative, W. W. Hastings.

SUSAN MAUD ENGLAND, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Susan Maud England.
- Q How old are you Mrs. England? A I will be 26 the 6th day of February.
- Q What is your post office address? A Big Cabin, Indian Territory.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A John England.
- Q Is he a citizen of the Cherokee Nation? A No sir.
- Q He is a white man, a United States citizen? A Yes sir.
- Q When were you married to John England? A We will be married five years the 19th of May.
- Q You were married in May, 1903? A Yes sir.
- Q Where were you married to Mr. England? A In Georgia.
- Q What county? A Lumpkin County.
- Q You are the daughter of Joseph W. Davis? A Yes sir.
- Q What is your mother's name? A Mattie Davis.
- Q Is she living? A Yes sir.
- Q Your mother is a white woman? A Yes sir.
- Q Where were you born Mrs. England? A In Georgia.
- Q And when did you first come to the Cherokee Nation? A '95.
- Q 1895? A Yes sir.
- Q Were you admitted to citizenship in the Cherokee Nation by the National Council? A I do not know. I guess I was though.
- Q Who did you come to the Cherokee Nation with? A With my father and mother.
- Q Came with your father and his family? A Yes sir, moved here.
- Q In 1895? A Yes sir.
- Q Prior to that time you had always lived in Georgia, is that right? A Yes sir.
- Q What time in 1895 did you come to the Cherokee Nation? A The 26th of March, 1895 I think it was.
- Q How long did you stay in the Cherokee Nation before returning to Georgia? A I stayed two years and a little over, maybe a month.
- Q Then you returned to Georgia? A Yes sir.
- Q Who did you return to Georgia with? A I went by myself.
- Q You were single at that time? A Yes sir.
- Q Do you know what month of the year it was you went back to Georgia? A It was in April along about the 26th or 27th, I don't exactly remember, along toward the last.
- Q 1897? A Yes sir.
- Q How long did you remain in Georgia? A I have just been back here a year this last November.

- Q You came back then in November, 1903? A Yes sir, the 21st day of November.
- Q Have you some children? A Yes sir I have three.
- Q What are their names? A Fred and Pauline.
- Q These are the only two children that were born prior to September 1, 1904? A Yes sir.
- Q Where were these children born? A In Georgia.
- Q Where are you living now? A Living in Big Cabin.
- Q Your husband is living with you? A Yes sir.
- Q He came from Georgia at the same time you did? A Yes sir, we came together.
- Q Has your father always lived in the Cherokee Nation since he came here in 1896? A Yes sir.
- Q Do you own any property in the Cherokee Nation? A No sir.
- Q Did you ever own any property in the Cherokee Nation? A No sir.
- Q Do you own any property in Georgia? A No sir.
- Q Did you or have you ever owned any property in Georgia? A Never owned any.

BY MR. HASTINGS:

- Q You married your husband in Georgia did you? A Yes sir.
- Q He is a white man of course? A Yes sir.
- Q He never was to the Territory until he came with you in November, 1903? A No sir.
- Q You came the first time in March, 1895? A Yes sir.
- Q You stayed here about two years and a month? A Yes sir.
- Q You were 16 when you came in 1895 and you were 18 when you left two years later in 1897? A Yes sir.
- Q You never owned any property either in the Cherokee Nation, or for that matter in the State of Georgia? A No sir.
- Q You say you married in the year 1900? A Yes sir.
- Q When was Pauline born? A In 1901.
- Q 1901? A Yes sir.
- Q Is that the eldest or next eldest? A Next eldest.
- Q When was the eldest one born? A The eldest one was born in 1898.
- Q Both children were born in Georgia? A Yes sir.

DOCK DAVIS, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Dock Davis.
- Q Is that your proper name? A Yes that is the way I sign my name.
- Q How old are you? A 27 in July, this last July.
- Q What is your post office address? A Adair.
- Q You are a son of Joseph W. Davis? A Yes sir.
- Q And the brother of Susan Maud England? A Yes sir.
- Q Where were you born? A In Georgia.
- Q You came to the Cherokee Nation with your father? A Yes sir.
- Q When did you come here? A In 1895.
- Q How long did you remain in the Cherokee Nation? A Remained about 14 months I reckon.
- Q Then where did you go? A Went to Georgia.
- Q How long did you remain in Georgia? A I don't know exactly how long it was, I was there ever since I left here.
- Q When did you return to the Cherokee Nation? A 10th of November, November, 1904? A Yes sir.
- Q Were you in the State of Georgia all the time? A All the time.

- Q Are you married? A Yes sir.
- Q When were you married? A I was married about '98 I reckon.
- Q In the State of Georgia? A Yes sir.
- Q Your wife is a white woman? A Yes sir.
- Q Have you some children? A I have four.
- Q What are their names? A Clara, Clinton, Mattie, and Amanda.
- Q When were these children born, the oldest one? A The oldest one was born in-----
- Q How many of these children were born prior to September 1, 1902?
- A Two of them I reckon.
- Q Clara and Clinton, the other two have been born since that time? A Yes sir I reckon the next youngest one is two years old the first of this last November.
- Q Do you own any property in the Cherokee Nation? A No sir.
- Q Do you own any in Georgia? A No sir.
- Q During the time you were in Georgia did you own any property in the Cherokee Nation? A No sir.
- Q Did you own any in Georgia? A No sir.
- Q Is your family here in the Cherokee Nation? A Yes sir.
- Q They came with you last November? A Yes sir.
- BY MR. HASTINGS:
- Q Did you come here first in March, 1896? A Yes sir.
- Q How old do you say you are? A 27 last July I reckon as well as I recollect.
- Q You remained here about fourteen months? A Fourteen months.
- Q Then in the summer of 1897 you left and went back to Georgia?
- A Left her in the summer of 1896 and went back to Georgia.
- Q And you remained there continuously up until the 10th day of last November when you came back? A Yes sir.
- Q You married your present wife in Georgia? A Yes sir.
- Q And your children were born there? A All of them were born there.
- Q What did you do while you were in Georgia? A I farmed.
- Q Lived on a farm? A It is all I ever done in my life.
- Q Lived on a rented farm? A Yes sir.
- Q Did general work? A Yes sir.
- Q Near what place in Georgia were you living? A Headwig is the town.
- Q Have you come from that same section of the country when you first came out here? A Yes sir the same place.
- Q You went back to that place? A Yes sir, same place.
- Q Who represented your district in Congress of the United States, who was your Congressman? A In Georgia.
- Q Yes? A Who is Congressman now.
- Q Yes? A Bell came in this year.
- Q Who is your out going? A Carter Tate.
- Q You lived there before the Presidential election this time did you? A Yes, I guess I did, I forget now I have been sick and I never paid no attention to it.
- Q You knew whether you voted for this last President? A No I never voted.
- Q Did you vote for Tate in 1902? A Yes sir.
- Q Did you vote for Governor? A Yes sir.
- Q County officers? A Yes sir.
- Q Never refused a vote out there were you? A No sir.
- Q You just voted like anybody else? A Yes sir.

BY MR. J. F. WARREN:

Q When you left here was it your intention to return? or did you intend to remain there? A I intended to come back.

Q Did you intend to come back and make your home here? A Yes sir.

The names of Susan Maud England as Susan Maud Davis and Dock Davis appear in a "list of persons admitted and readmitted to citizenship by the National Council and Commissions on Citizenship in the year 1880 and since that year," as having been admitted to citizenship by the Commission on Citizenship on December 16, 1887. The names of Joseph W. Davis, father of the principal applicants, and the brothers and sister, appear upon the final schedule of citizens by blood of the Cherokee Nation opposite Nos. 24066 to 24073 inclusive, approved by the Secretary of the Interior on February 4, 1903.

-----00-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 6th day of February, 1905.


Notary Public.

FILED
FEB - 6 1905
COMMISSION TO FIVE TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Deck Davis, et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

Deck Davis, et al., Cherokee D 2772,
Susan Maud England, et al., Cherokee D 2773.

D E C I S I O N.

IT APPEARS FROM THE RECORD HEREIN: That, on June 30, 1902, Emmet Starr appeared before this Commission at Muskogee, Indian Territory, and made applications for the enrollment of Deck Davis (25 years old), and his two minor children, Clara and Clinton Davis; and for Susan Maud England (23 years old), and her two minor children, Fred Davis and Pauline England, as citizens by blood of the Cherokee Nation. Additional proceedings were had in the matter of said applications, at Tahlequah, Indian Territory, on December 8, 1904, and at Muskogee, Indian Territory, on January 31, 1905.

The record in this case shows that Deck Davis and Susan Maud England were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation, on December 16, 1897; that in 1895 said applicants removed from the state of Georgia to the Cherokee Nation, where they resided until 1897, when they returned to the state of Georgia, where they married citizens of said state, and where the minor applicants herein were born. It further appears that said applicants did not return to the Cherokee Nation until after September 1, 1902, and during said absence possessed no property located in the Cherokee Nation.

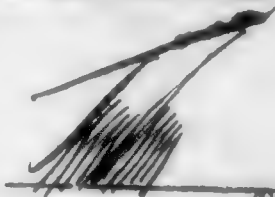
In view of the above facts it is considered that said applicants, Deck Davis and Susan Maud England, have forfeited their rights to citizenship in the Cherokee Nation, under the provisions of Section II, Article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

Clara Davis and Clinton Davis are the children of Dock Davis, and Pauline England is the child of Susan Maud England. All of said children were born subsequent to the forfeiture of Cherokee citizenship of their respective parents, and claim no right to enrollment other than through their said parents. Fred Davis is the illegitimate child of the said Susan Maud England, and was born prior to the forfeiture of the Cherokee citizenship of his mother, who, according to the laws of Georgia, became of age on February 6, 1906, and is, in accordance with Departmental ruling in the case of Stonewall J. Rogers (I.T.D. 4720-1902-3092-1905), entitled to enrollment.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That Fred Davis should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495); and it is further the opinion of this Commission that the applications made for the enrollment of Dock Davis, Clara Davis, Clinton Davis, Susan Maud England, and Pauline England, as citizens by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman



Commissioner



Commissioner

Dated at Muskogee, Indian Territory,

this JUN 30 1905

22772

COPY.

217

IN RE

Application for Enrollment of
INFANT CHILD

Clinton Davis

as a citizen of

Cherokee

Nation.

Approved *Mar. 10* 1905

Ami Kirby

Commissioner

Application for enrollment 3/6/05

Listed for enrollment 3/6/05

COMM. TRIBES

FILED

Mar. 6. 1905

Chairman

CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Clinton Davis (here insert name of child), born on the 10th day of Sept, 1900.
Name of Father: Doer Davis a citizen of the Cherokee Nation.
Name of Mother: Larren Davis a citizen of the United States.
Postoffice Adair Ind. Terr.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Larren Davis, on oath state that I am 27 years of age and a citizen by of the United States Nation;
that I am the lawful wife of Doer Davis, who is a citizen, by Blood of the Cherokee Nation; that a male child was born to me on 10 day of September, 1900, that said child has been named Clinton Davis and was living March 4, 1905.

WITNESSES TO MAKE:

(Must be Two Witnesses)

John F. Warren
J. W. Davis
Subscribed and sworn to before me this 15th day of February, 1905.
my Com. at Jan 27, 1908 J. F. Warren
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

State of Georgia
UNITED STATES OF AMERICA, INDIAN TERRITORY,
Lumpkin County DISTRICT.

I, Caroline Carr, midwife, on oath state that I attended on Mrs. Larren Davis, wife of Doer Davis, on the 10 day of September, 1900, that there was born to her on said date a male child, that said child was living March 4, 1905, and is said to have been named Clinton Davis.

WITNESSES TO MAKE:

(Must be Two Witnesses)

Ed Carr
R. J. Satterfield
Subscribed and sworn to before me this 10th day of February, 1905.
A. C. Chatten, J.P.
Notary Public.

22772

COPY.

217

IN RE

Application for Enrollment of
INFANT CHILD

Clara Davis

as a citizen of

Cherokee

Nation.

Approved *May 10*

1905

James S. Sibley

Commissioner.

*Application for enrollment 3/6/15 -
dis. for enrollment 3/6/15 -*

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

FILED

May 6 1905

[Signature]

CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Clara Davis (Here insert name of child.) born on the 24 day of Dec, 1898
Name of Father: Dock Davis a citizen of the Cherokee Nation.
Name of Mother: Larren Davis a citizen of the United States Nation.
Postoffice Adair, Ind. Terr.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northwestern DISTRICT.

I, Larren Davis, on oath state that I am 27
years of age and a citizen of United States, of the United States Nation;
that I am the lawful wife of Dock Davis, who is a citizen, by
Blood of the Cherokee Nation; that a Female child was
(Male or Female.)
born to me on 24 day of December, 1898; that said child has been named
Clara Davis, and was living March 4, 1905.

WITNESSES TO MARK:

(Must be Two Witnesses)

John F. Warren
J. W. Davis
Subscribed and sworn to before me this 1st day of February, 1905
my com ex Jan 29 1905 J. F. Warren
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, State of Georgia
Lumpkin County

I, Caroline Corn, Midwife, on oath state that I
attended on Mrs. Larren Davis, wife of Dock Davis,
on the 24 day of December, 1898, that there was born to her on said date Female
(Male or Female.)
child, that said child was living March 4, 1905, and is said to have been named Clara Davis

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this

Ed Corn
R. J. Satterfield

day of

20th day of February, 1905
H. C. Chattin
Notary Public.

COPY.

Cherokee D-2772.

Muskogee, Indian Territory, March 17, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are advised that the names of Clara and Clinton Davis have been listed for enrollment upon Cherokee enrollment card No. D 2772, as shown by data herewith inclosed.

Testimony taken at Muskogee, Indian Territory, on January 23, 1905, shows that the said Clara and Clinton Davis are the descendants of Dock Davis, for whom application was made on July 1, 1902, by Emmet Starr, the name of the said Dock Davis appearing upon the 1890 census roll of the Cherokee Nation opposite No. 1004.

Respectfully,

Incl. 3-29.

SIGNED:

Tams Dixby.
Chairman.

COPY

Cherokee D-2772.

Muskogee, Indian Territory, June 30, 1905.

Deot Davis,

Adair, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as citizens of the Cherokee Nation, together with a copy of the Commission's decision dated June 30, 1905, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

YRDL

James Birby

Incl. 8-33
Register

Chairman.

COPY.

Cherokee D-2793,

et al.

Muskogee, Indian Territory, June 30, 1905.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the applications for the enrollment of Dock Davis, et al., and granting the application for the enrollment of Fred Davis, as citizens of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

Tame Dixby

Chairman.

Incl. 3-35

COPY.

Cherokee D-2772,
et al.

Muskogee, Indian Territory, June 30, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Dock Davis, et al., as citizens of the Cherokee Nation, including the Commission's decision dated June 30, 1905, rejecting the applications for the enrollment of Dock Davis, et al., and granting the application for the enrollment of Fred Davis, as citizens of the Cherokee Nation.

Respectfully,

Incl. 3-36

Tamie Dixie
Chairman

Through the

Commissioner of Indian Affairs.

Cherokee D-2772,

et al.

COPY.

Muskogee, Indian Territory, January 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Fred Davis, and rejecting the applications for the enrollment of Susan Maud and Pauline England, and Dock, Clara and Clinton Davis, as citizens of the Cherokee Nation, was reversed by the Secretary of the Interior on January 3, 1906, as to Fred Davis, and affirmed as to the other applicants.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-52

Tams Bixby.
Commissioner.

Cherokee D-2772.

COPY.

Muskogee, Indian Territory, January 15, 1906.

Dock Davis,

Adair, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting, among others, the application for the enrollment of yourself and children, Clara and Clinton Davis, as citizens of the Cherokee nation, was affirmed by the Secretary of the Interior on January 3, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-47

~~SECRET~~
Commissioner.

D. C. 807-1906.
I.T.D. 10726, 12214-1906.
LRS

Y.P.
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

January 2, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the opinion of the Assistant Attorney-General of December 28, 1905, approved, in the Cherokee enrollment case of Dock Davis, Clara Davis, Clinton Davis, Susan M. England, Fred Davis, and Pauline England, in which the Commission to the Five Civilized Tribes rendered a decision June 30, 1905, in favor of Fred Davis, and adverse to the other applicants.

In accordance with said opinion, the decision of the Commission is hereby reversed as to Fred Davis, and affirmed as to the other applicants.

A copy of the Indian Office letter of August 25, 1905, recommending the approval of the decision of the Commission to the Five Civilized Tribes, is inclosed.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

2 inclosures.

I.T.D.
10726-1906.

(Copy)

J.R.V.
V.C.P.
S.V.P.

DEPARTMENT OF THE INTERIOR,
Office of the Assistant Attorney-General,
Washington,

December 28, 1906.

The Secretary of the Interior.

Sir:

I received by reference of October 28, 1906, the record in case of Fred Davis applicant for enrollment as a citizen by blood of the Cherokee Nation with request for my opinion thereon.

The record shows that applicant's mother, Susan Maud England was admitted to citizenship of the Cherokee Nation by the National Council December 16, 1887; that in 1895 she removed to the Nation and there remained until 1897, when she returned to Georgia, the domicile of her origin, where Fred Davis was born November 6, 1896. At the time of her return to Georgia, Maud England left no effects in the Nation and by Article one Section two of the Cherokee Constitution her citizenship is claimed to have been lost. There is some contention however that she was then a minor, between 18 and 21 years of age. The Commission admitted Fred Davis upon the ground that he was born during his mother's minority which did not terminate, according to the law of Georgia, her place of residence until February 6, 1900 when she became twenty-one years of age. The Cherokee Nation protests on the ground

that both Maud and her son Fred are barred by the act of June 28, 1898 (30 Stat., 495, 503) which provides that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

For reasons stated in my opinion herewith submitted upon reference of request of the Commissioner to the Five Civilized Tribes (I.T.D. 13213-1905) I am of opinion that the provision in the Act of June 28, 1898 is not repealed. It necessarily follows that by that provision both Maud England and also her son born after date of the act and whose right is dependent upon the right of his mother at date of his birth, are barred by the provision quoted and that the protest of the Cherokee Nation against enrollment of the applicant should be sustained and the applicant's enrollment be denied.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: December 28, 1905.

Thos. Ryan,

Acting Secretary.

COPY

Land,
80939-1908.
88789-1908.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

August 22, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1908, transmitting the record of the consolidated applications made June 30, 1908, for enrollment as citizens by blood of the Cherokee Nation by Dock Davis, age 25 years, for himself and his two minor children, Clara and Clinton Davis; and for Susan Maud England (age 23 years) and her two minor children, Fred Davis and Pauline England.

June 30, 1908, the Commission decided favorably to Fred Davis and adversely to all the other applicants.

The record shows that Dock Davis and Susan Maud England were duly admitted to citizenship in the Cherokee Nation on December 16, 1887; that in 1895 they removed from Georgia to the Cherokee Nation, where they resided until 1897, when they returned to Georgia where they married citizens of that State and where the minor applicants were born. It further appears that the applicants did not return to the Cherokee Nation until after September 1, 1902, and during their absence possessed no property in the Cherokee Nation.

Fred Davis is the illegitimate child of Susan Maud England, born prior to the forfeiture of the mother's citizenship. The other minors were born subsequent to such forfeiture.

By letter of July 15, 1908, the Cherokee Nation transmits protest against the action of the Commission which has received due consideration.

In view of the record the approval of the Commission's decision favorable to Fred Davis and adverse to all the others is recommended.

Very respectfully,

F. E. Leupp

Commissioner.

M. E. W.

W.

Cher R 1000

Trans from Cher D 2773

Cher R 1000

R
Cher

B 2773

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

ERBERT STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Erbert Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Susan Maud Davis, page 444, § 1805, Delaware District,
Note: "In Georgia".

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1890
Cherokee roll, their families and their descendants:

E. D. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this August 18, 1902.

B. C. Jones
Notary Public.

Excluded and even to secure the full value of the

Excluded. The following is an abstract of the transcript of the proceedings of the Senate and House of Representatives in the year 1890. The abstract is for the year 1890 and is for the year 1890. The abstract is for the year 1890 and is for the year 1890.

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SEP 5 1902

Excluded. The following is an abstract of the transcript of the proceedings of the Senate and House of Representatives in the year 1890. The abstract is for the year 1890 and is for the year 1890. The abstract is for the year 1890 and is for the year 1890.

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Excluded. The following is an abstract of the transcript of the proceedings of the Senate and House of Representatives in the year 1890. The abstract is for the year 1890 and is for the year 1890. The abstract is for the year 1890 and is for the year 1890.

D-2773

2043

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE,
Tahlequah, I. T., December 8, 1904.

In the matter of the application for the enrollment of
Dock Davis, Cherokee D-2772 and Susan Maud Davis, Cherokee D-2773,
as citizens of the Cherokee nation.

SUPPLEMENTAL TESTIMONY.

JOSEPH W. DAVIS, being duly sworn and examined by the
Commission, testified as follows:

- Q What is your name? A Joseph W. Davis.
Q How old are you? A 54.
Q What is your postoffice? A Adair.
Q Are you a Cherokee by blood? A Yes sir.
(The records of the Commission show that the witness has been
duly enrolled as a Cherokee by blood).
Q Do you know Dock and Susan Maud Davis? A Yes sir.
Q Are they your children? A Yes sir.
Q Where is Dock Davis? A In Georgia.
Q What is his postoffice? A Headwig.
Q Is he living at the present time? A He is if he hasn't died
in two weeks.
Q Were you admitted and re-admitted to citizenship in the Cherokee
Nation? A Yes sir.
Q In what year? A In 1887.
Q Were you admitted as a North Carolina or Georgia Cherokee? A
An Eastern Cherokee I suppose.
Q Have you a wife? A Yes sir.
Q Is she a Cherokee by blood? A No sir, she is a white woman.
Q Was she admitted with you-- was she enrolled? A I don't know.
Q Did you have children Mary E., Daisy B., Susan Maud, Berilla E.,
Amanda, Florence and Joseph J.? A Yes sir, Mary E. is dead.
Q That is your oldest child? A Yes sir.
Q Were they all admitted with you? A Yes sir. She has two
children; her and her husband are both dead and I have the children.
(The above enumerated names appear in the "list of persons
admitted and re-admitted to Cherokee citizenship by the National
Council and Commissions on citizenship, in the year 1880, and
since that year" as having been admitted to citizenship by the
Commission on Citizenship, on December 16, 1887.)
Q Your children Berilla E., Amanda, Florence and Joseph J. were
enrolled with you were they? A Yes sir, but they married since.
Q It appears that Dock and Susan Maud have never applied for
enrollment? A No sir.
Q What is the reason? A Well they went off; Dock went to
Georgia and they are both married now. They had no homes.
Q Have you a copy or certified copy of the act of the National
Council or Commission admitting you to citizenship? A I have
at home.
Q Did you file that with the Commission when you applied for enroll-
ment of yourself and children? A Yes sir.
Q How much time was given you in the act of admission to come and
locate in the Cherokee Nation? A I don't know as I could tell.
Q Was there any specified time? A I don't think it reads that way.

- Q Did Dock and Susan Maud come to the Cherokee Nation at the time you did after your admission? A They left in '96 or '99, I don't know which and Maud came back about a year after.
- Q Has she resided here continuously since then? A Yes sir.
- Q Is her present home in Cooweescoowee District? A Yes sir.
- Q Her postoffice is what? A Adair.
- Q What is her present name? A England, wife of John England.
- Q Is her husband a citizen? A No sir, he is a white man.
- Q Do you know the date of her marriage? A No sir.
- Q Has she any children? A Yes sir, three; all little ones.
- Q After Susan Maud came to the Cherokee Nation with you in 1887, did she reside here continuously until 1898 or '99? A No sir, I never came till 1892.
- Q You came to the Cherokee Nation in 1892? A Yes sir.
- Q Did she come at the time you did? Not at the time.
- Q How soon afterwards? A The next year.
- Q In 1893? A Yes sir.
- Q You brought her out here did you? A Yes sir.
- Q Then did she reside here continuously from 1893 until she left in 1898 or '99? A Yes sir.
- Q When she left here in 1898 or 1899 did she retain any property interests here in the Cherokee Nation? A She left a few wearing clothes.
- Q Did she hold any property--real estate in the Cherokee Nation? A No sir, she never had any real estate.
- Q When did Dock come to the Cherokee Nation? A At the same time Maud did.
- Q When did he leave? A He left in the spring before she did, I could not say exactly.
- Q You think Maud left in 1897 or '98? A One of the two, she left first.
- Q Has he ever returned to the Cherokee Nation? A No sir.
- Q Neither Susan Maud nor Dock have held farms in the Cherokee Nation? A No sir.
- Q Does your daughter and son, Susan Maud and Dock Davis, claim to be citizens of the Cherokee Nation? A I have heard her say she was going to try to get in. I guess they are claiming it.
- Q What are the children of Susan Maud named? A One is named Fred; one Pauline and one Dock England.
- Q How old is Fred? A I expect 4 or 5 years old.
- Q How old is Pauline? A I expect 3 maybe.
- Q How old is Dock? A About 5 months I think.
- Q Are they both named England? A Yes sir, but the oldest one is not.
- Q Do you know who is the father of Fred? A No sir, only what I have heard.
- Q Pauline is named England is she? A Yes sir.
- Q Are those children Fred and Payline both living? A Yes sir.

Clinton W. Myers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the supplemental testimony in this case and that the foregoing is a true and correct transcript of his stenographic notes taken therein.

Clinton W. Myers

Subscribed and sworn to before me,
this the 8 day of December, 1904.

John
Notary Public.

2773
100-12

FILED IN
DEC 26 1904
COMMISSION TO FIVE TRIBES.

100-12

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 31, 1908.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Deek Davis and Susan Maud England (nee Davis) as citizens by blood of the Cherokee Nation.

APPEARANCES:

Applicants appear in person.

Cherokee Nation by its representative: V. V. Hastings.

SUSAN MAUD ENGLAND, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Susan Maud England.
- Q How old are you Mrs. England? A I will be 26 the 6th day of February.
- Q What is your post office address? A Big Cabin, Indian Territory.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A John England.
- Q Is he a citizen of the Cherokee Nation? A No sir.
- Q He is a white man, a United States citizen? A Yes sir.
- Q When were you married to John England? A We will be married five years the 19th of May.
- Q You were married in May, 1900? A Yes sir.
- Q Where were you married to Mr. England? A In Georgia.
- Q What county? A Lumpkin County.
- Q You are the daughter of Joseph W. Davis? A Yes sir.
- Q What is your mother's name? A Mattie Davis.
- Q Is she living? A Yes sir.
- Q Your mother is a white woman? A Yes sir.
- Q Where were you born Mrs. England? A In Georgia.
- Q And when did you first come to the Cherokee Nation? A '95.
- Q 1895? A Yes sir.
- Q Were you admitted to citizenship in the Cherokee Nation by the National Council? A I do not know. I guess I was though.
- Q Who did you come to the Cherokee Nation with? A With my father and mother.
- Q Came with your father and his family? A Yes sir, moved here.
- Q In 1895? A Yes sir.
- Q Prior to that time you had always lived in Georgia, is that right? A Yes sir.
- Q What time in 1895 did you come to the Cherokee Nation? A The 26th of March, 1895 I think it was.
- Q How long did you stay in the Cherokee Nation before returning to Georgia? A I stayed two years and a little over, maybe a month.
- Q Then you returned to Georgia? A Yes sir.
- Q Who did you return to Georgia with? A I went by myself.
- Q You were single at that time? A Yes sir.
- Q Do you know what month of the year it was you went back to Georgia? A It was in April along about the 26th or 27th, I don't exactly remember, along toward the last.
- Q 1897? A Yes sir.
- Q How long did you remain in Georgia? A I have just been back here a year this last November.

- 2-
- Q You came back then in November, 1905? A Yes sir, the 21st day of November.
- Q Have you some children? A Yes sir I have three.
- Q What are their names? A Fred and Pauline.
- Q Those are the only two children that were born prior to September 1, 1905? A Yes sir.
- Q Where were these children born? A In Georgia.
- Q Where are you living now? A Living in Big Cabin.
- Q Your husband is living with you? A Yes sir.
- Q He came from Georgia at the same time you did? A Yes sir, we came together.
- Q Has your father always lived in the Cherokee Nation since he came here in 1895? A Yes sir.
- Q Do you own any property in the Cherokee Nation? A No sir.
- Q Did you ever own any property in the Cherokee Nation? A No sir.
- Q Do you own any property in Georgia? A No sir.
- Q Did you or have you ever owned any property in Georgia? A Never owned any.

BY MR. HASTINGS:

- Q You married your husband in Georgia did you? A Yes sir.
- Q He is a white man of course? A Yes sir.
- Q He never was to the Territory until he came with you in November, 1905? A No sir.
- Q You came the first time in March, 1895? A Yes sir.
- Q You stayed here about two years and a month? A Yes sir.
- Q You were 16 when you came in 1895 and you were 18 when you left two years later in 1897? A Yes sir.
- Q You never owned any property either in the Cherokee Nation, or for that matter in the State of Georgia? A No sir.
- Q You say you married in the year 1900? A Yes sir.
- Q When was Pauline born? A In 1901.
- Q 1901? A Yes sir.
- Q Is that the eldest or next eldest? A Next eldest.
- Q When was the eldest one born? A The eldest one was born in 1898.
- Q Both children were born in Georgia? A Yes sir.

DOCK DAVIS, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Dock Davis.
- Q Is that your proper name? A Yes that is the way I sign my name.
- Q How old are you? A 27 in July, this last July.
- Q What is your post office address? A Adair.
- Q You are a son of Joseph W. Davis? A Yes sir.
- Q And the brother of Susan Maud England? A Yes sir.
- Q Where were you born? A In Georgia.
- Q You came to the Cherokee Nation with your father? A Yes sir.
- Q When did you come here? A In 1895.
- Q How long did you remain in the Cherokee Nation? A Remained about 14 months I reckon.
- Q Then where did you go? A Went to Georgia.
- Q How long did you remain in Georgia? A I don't know exactly how long it was, I was there ever since I left here.
- Q When did you return to the Cherokee Nation? A 10th of November, 1904? A Yes sir.
- Q Were you in the State of Georgia all the time? A All the time.

Q Are you married? A Yes sir.
Q When were you married? A I was married about '98 I reckon.
Q In the State of Georgia? A Yes sir.
Q Your wife is a white woman? A Yes sir.
Q Have you some children? A I have four.
Q What are their names? A Clara, Clinton, Mattie, and Amanda.
Q When were these children born, the oldest one? A The oldest one was born in-----
Q How many of these children were born prior to September 1, 1902?
A Two of them I reckon.
Q Clara and Clinton, the other two have been born since that time? A Yes sir I reckon the next youngest one is two years old the first of this last November.
Q Do you own any property in the Cherokee Nation? A No sir.
Q Do you own any in Georgia? A No sir.
Q During the time you were in Georgia did you own any property in the Cherokee Nation? A No sir.
Q Did you own any in Georgia? A No sir.
Q Is your family here in the Cherokee Nation? A Yes sir.
Q They came with you last November? A Yes sir.

BY MR. HASTINGS:

Q Did you come here first in March, 1896? A Yes sir.
Q How old do you say you are? A 27 last July I reckon as well as I recollect.
Q You remained here about fourteen months? A Fourteen months.
Q Then in the summer of 1897 you left and went back to Georgia?
A Left her in the summer of 1896 and went back to Georgia.
Q And you remained there continuously up until the 10th day of last November when you came back? A Yes sir.
Q You married your present wife in Georgia? A Yes sir.
Q And your children were born there? A All of them were born there.
Q What did you do while you were in Georgia? A I farmed.
Q Lived on a farm? A It is all I ever done in my life.
Q Lived on a rented farm? A Yes sir.
Q Did general work? A Yes sir.
Q Near what place in Georgia were you living? A Headwig is the town.
Q Have you come from that same section of the country when you first come out here? A Yes sir the same place.
Q You went back to that place? A Yes sir, same place.
Q Who represented your district in Congress of the United States, who was your Congressman? A In Georgia.
Q Yes? A Who is Congressman now.
Q Yes? A Bell came in this year.
Q Who is your out going? A Carter Tate.
Q You lived there before the Presidential election this time did you? A Yes, I guess I did, I forgot now I have been sick and I never paid no attention to it.
Q You know whether you voted for this last President? A No I never voted.
Q Did you vote for Tate in 1902? A Yes sir.
Q Did you vote for Governor? A Yes sir.
Q County officers? A Yes sir.
Q Never refused a vote out there were you? A No sir.
Q You just voted like anybody else? A Yes sir.

BY MR. J. P. WARREN:

Q When you left here was it your intention to return? or did you intend to remain there? A I intended to come back.

Q Did you intend to come back and make your home here? A Yes sir.

The names of Susan Ward England as Susan Ward Davis and Dock Davis appear in a "list of persons admitted and readmitted to citizenship by the National Council and Commissions on Citizenship in the year 1890 and since that year," as having been admitted to citizenship by the Commission on Citizenship on December 16, 1887. The names of Joseph W. Davis, father of the principal applicants, and the brothers and sister, appear upon the final schedule of citizens by blood of the Cherokee Nation opposite Nos. 24066 to 24073 inclusive, approved by the Secretary of the Interior on February 4, 1903.

George H. Lesley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 6th day of February, 1906.

[Signature]
Notary Public.

FILED
FEB - 6 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Deck Davis, et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

Deck Davis, et al.,	Cherokee D 2772,
Susan Maud England, et al.,	Cherokee D 2773.

D E C I S I O N.

IT APPEARS FROM THE RECORD HEREIN: That, on June 30, 1902, Emmet Starr appeared before this Commission at Muskogee, Indian Territory, and made applications for the enrollment of Deck Davis (25 years old), and his two minor children, Clara and Clinton Davis; and for Susan Maud England (23 years old), and her two minor children, Fred Davis and Pauline England; as citizens by blood of the Cherokee Nation. Additional proceedings were had in the matter of said applications, at Tahlequah, Indian Territory, on December 8, 1904, and at Muskogee, Indian Territory, on January 31, 1905.

The record in this case shows that Deck Davis and Susan Maud England were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation, on December 16, 1887; that in 1895 said applicants removed from the state of Georgia to the Cherokee Nation, where they resided until 1897, when they returned to the state of Georgia, where they married citizens of said state, and where the minor applicants herein were born. It further appears that said applicants did not return to the Cherokee Nation until after September 1, 1902, and during said absence possessed no property located in the Cherokee Nation.

In view of the above facts it is considered that said applicants, Deck Davis and Susan Maud England, have forfeited their rights to citizenship in the Cherokee Nation, under the provisions of Section II, Article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

Clara Davis and Clinton Davis are the children of Dock Davis, and Pauline England is the child of Susan Maud England. All of said children were born subsequent to the forfeiture of Cherokee citizenship of their respective parents, and claim no right to enrollment other than through their said parents. Fred Davis is the illegitimate child of the said Susan Maud England, and was born prior to the forfeiture of the Cherokee citizenship of his mother, who, according to the laws of Georgia, became of age on February 6, 1900, and is, in accordance with Departmental ruling in the case of Stonewall J. Rogers (I.T.D. 6790-1902-3092-1905), entitled to enrollment.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That Fred Davis should be enrolled as a citizen by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495); and it is further the opinion of this Commission that the applications made for the enrollment of Dock Davis, Clara Davis, Clinton Davis, Susan Maud England, and Pauline England, as citizens by blood of the Cherokee Nation, should be denied, under the provisions of section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Bixby.

Chairman

(SIGNED).

I. B. Needles.

Commissioner

(SIGNED).

C. E. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 30 1905

Cherokee= D= 2773=

Northern District of
Indian Territory,
Cherokee Nation,

Adair Okla.,

June 25= 1906.

in the matter of application for Enrollment Susan Maud England^{Nee Davis} and her
two Minor Children Fred England and Pauline England, as citizens of the
Cherokee Nation, Respectfully makes application to the commission to the
Five Civilized Tribes at Muskogee I.T. to reopen our cases and give us
a new hearing in the matter on the grounds that when I came to the Cherokee
Nation with my father and mother I was a minor, and the records of the Commission
will show that Susan Maud England, Nee Davis was Admitted to citizen ship
by the Cherokee Council at Tahlequah I.T. in the year of 1880. and under
the Curtius act approved. Admits all citizens of the Cherokee Nation that
that was not residing in the limits of the Cherokee Nation, pryer to the
passage of this act, and I was Admitted by the Cherokee council for
enrollment as a citizen of the Cherokee Nation with My father Joseph
W. Davis, and I have a blank application pending before the commission
for the enrollment of my self and two children, and I further Advise
the Commission to the Five Civilized Tribes take in consideration
this application and consider the same as soon as possible,

Address=

Adair, Okla.,

attest, Susan Maud England

subscribed and sworn before me this 26 day of June 1906.

W. Thompson
==Notar Public=

attorney)

George Mc Culloch,
Vinita I.T.

DEPARTMENT OF THE INTERIOR.

In the matter of the application for the enrollment of SUSAN MAUD ENGLAND, ET AL., as citizens by blood of the Cherokee Nation.

Cherokee D 2773.

Protest on behalf of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully dissents from so much of the decision of the Commission dated June 30, 1906, as holds that Fred Davis should be enrolled as a citizen by blood of the Cherokee Nation, and asks that the same be forwarded to the Secretary of the Interior for review. The testimony is very brief in this case and the facts are not contested. The Commission rejects Susan Maud England as a citizen of the Cherokee Nation, and we think properly, under Article XXIX One, Section Two of the Cherokee Constitution, but we think also that she should have been rejected under Section 31 of the Curtis Bill, which provides that no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship. Susan Maud England has two other children. They are rejected, and we think properly so, but the Commission admitted Fred Davis under the misapprehension that Susan Maud England was a minor when she left the Cherokee Nation in 1897, and that, therefore, when Fred Davis was born she was yet a minor and had not forfeited her citizenship in the Cherokee Nation. Lets see what she says upon that question. On page two of her testimony given before the Commission on January 31, 1906, upon cross-examination she was asked, "You were 16 when you came in 1896, and you were 18 when you left two years later in 1897?" A. "Yes, sir." Now under both the laws of the Cherokee Nation and the United States laws in force in the Indian Territory in 1897 a girl is of age at 16. Susan Maud England was, therefore, an adult when she left the Cherokee Nation in 1897, and the birth certificate filed in this case shows that Fred Davis was born in the State of Georgia, Lumpkin County, on the 6th day of November, 1896, or more than a year after Susan Maud England forfeited her citizenship in the Cherokee Nation.

We submit, therefore, that Fred Davis should not be enrolled as a citizen of the Cherokee Nation, and that there is no distinction whatever between his status and that of the other children. The Honorable Assistant Attorney General on June 16, 1906 (ITD 3642, 6112), being the case of Alice L. Owen, held that, although she was a minor, she not being a resident here on June 28, 1896, was barred by that act, and we think that it applies with equal force to this case.

Respectfully submitted,

Attorney for the Cherokee Nation.

22773

IN RE

Application for Enrollment of
INFANT CHILD

Fred Davis

as a citizen of

Cherokee

Nation

Approved

Mar 10

1905

James S. Sibley

Commissioner.

~~application for enrollment~~

7/1/02

Listed for enrollment

8/1/05

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CHIEF OF THE CHEROKEE TRIBE.

FILED

Mar. 6. 1905

W. H. CHARMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Fred Davis (Name of child), born on the 6th day of Nov, 1898.
Name of Father: Fred Price a citizen of the United States Nation.
Name of Mother: Susan Maud England a citizen of the Cherokee Nation.
Postoffice Big Cabin, Ind. Terr.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Susan Maud England, on oath state that I am 26
years of age and a citizen by blood of the Cherokee Nation;
that I am the lawful wife of John England, who is a citizen, by
of the United States Nation; that a male child was
born to me on 6th day of November, 1898; that said child has been named
Fred Davis, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this

31st

day of

January1905W. F. Martin, Jr.
Notary Public.

State of Georgia
UNITED STATES OF AMERICA, INDIAN TERRITORY,
Lumpkin County DISTRICT.

I, Elizabeth Perry, a midwife, on oath state that I
attended on Mrs. Susan Maud England, wife of John England
on the 6 day of Nov, 1898; that there was born to her on said date a male
child; that said child is now living and is said to have been named
Fred Davis.

WITNESSES TO MARK:

(Must be Two Witnesses.)

C. R. Odom
R. J. Satterfield

Subscribed and sworn to before me this

11

day of

February1905H. C. Chastin, Jr.
Notary Public.

22773.

IN RE

Application for Enrollment of

INFANT CHILD

Rubens England

as a citizen of

Cherokee

Nation

Approved

Mar 10

1905

Wm. S. Sibley

Commissioner.

application for enrollment

7/1/02

Listed for Enrollment

2/6/05

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE UNITED TRIBES

FILED

Mar 6 1905

CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Pauline England, born on the 19th day of Feb, 1901
Name of Father: John England, a citizen of the United States Nation.
Name of Mother: Susan Maud England, a citizen of the Cherokee Nation.
Postoffice: Big Cabin, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

Western DISTRICT.
I, Susan Maud England, on oath state that I am 26
years of age and a citizen by blood of the Cherokee Nation;
that I am the lawful wife of John England, who is a citizen, by
of the United States Nation; that a female child was
born to me on 19th day of February, 1901; that said child has been named
Pauline England, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this

3rd

day of

January1905SealW. J. Martin, Jr.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,

State of Georgia
Douglas County
I, Orytha Corn, a midwife, on oath state that I
attended on Mrs. Susan Maud England, wife of John England
on the 19 day of Feb, 1901; that there was born to her on said date a female
child; that said child is now living and is said to have been named Pauline England
Caroline + Corn

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this

10th

day of

February1905H. C. Chatfield, J. P.
Notary Public.

COPY.

Cherokee D-2773.

Muskogee, Indian Territory, March 17, 1906.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are advised that the names of Fred Davis and Pauline England have been listed for enrollment upon Cherokee enrollment card No. D 2773, as shown by data herewith inclosed.

Testimony taken at Muskogee, Indian Territory, on January 23, 1906, shows that the said Fred Davis and Pauline England are the descendants of Susan Maud Davis, for whom application was made on July 1, 1902, by Emmet Starr, the name of the said Susan Maud Davis appearing upon the 1896 census roll of the Cherokee Nation opposite No. 1005. The testimony in this case further shows that the said Susan Maud Davis is now the wife of John England.

Respectfully,

Incl. 3-30.

SIGNED. *Tams Dixby.*
Chairman.

py.
Cherokee B-2773.

Muskogee, Indian Territory, June 30, 1906.

Susan Maud England,

Big Cabin, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as citizens of the Cherokee Nation, together with a copy of the Commission's decision dated June 30, 1906, granting the application for the enrollment of your minor child, Fred Davis, and rejecting, among others, the application for the enrollment of yourself and your minor child, Pauline England, as citizens of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. B-34
Register

(SIGNED)

James H. Fike

Chairman.

COPY.

Cherokee D-2778,
et al.

Muskogee, Indian Territory, June 30, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Dock Davis, et al., as citizens of the Cherokee Nation, including the Commission's decision dated June 30, 1908, rejecting the applications for the enrollment of Dock Davis, et al., and granting the application for the enrollment of Fred Davis, as citizens of the Cherokee Nation.

Respectfully,

Incl. S-36

SIGNED

Tam's Bixby
Chairman

Through the

Commissioner of Indian Affairs.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE
OFFICE IN REPLY TO THE FOLLOWING:
Cherokee D-2772,
et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 30, 1905.

W. W. Hastings,

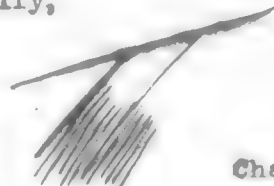
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the applications for the enrollment of Dock Davis, et al., and granting the application for the enrollment of Fred Davis, as citizens of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

Incl. S-35

D. C. 807-1906.
I.T.D. 10726, 18214-1905.
LRS

Y.P.
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

January 3, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the opinion of the Assistant Attorney-General of December 28, 1905, approved, in the Cherokee enrollment case of Dock Davis, Clara Davis, Clinton Davis, Susan M. England, Fred Davis, and Pauline England, in which the Commission to the Five Civilized Tribes rendered a decision June 30, 1905, in favor of Fred Davis, and adverse to the other applicants.

In accordance with said opinion, the decision of the Commission is hereby reversed as to Fred Davis, and affirmed as to the other applicants.

A copy of the Indian Office letter of August 23, 1905, recommending the approval of the decision of the Commission to the Five Civilized Tribes, is inclosed.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

2 inclosures.

I.T.D.
10726-1905.

(Copy)

J.R.W.
W.C.P.
S.V.P.

DEPARTMENT OF THE INTERIOR,
Office of the Assistant Attorney-General,
Washington,

December 28, 1905.

The Secretary of the Interior.

Sir:

I received by reference of October 28, 1905, the record in case of Fred Davis applicant for enrollment as a citizen by blood of the Cherokee nation with request for my opinion thereon.

The record shows that applicant's mother, Susan Maud England was admitted to citizenship of the Cherokee Nation by the National Council December 16, 1887; that in 1895 she removed to the Nation and there remained until 1897, when she returned to Georgia, the domicile of her origin, where Fred Davis was born November 6, 1898. At the time of her return to Georgia, Maud England left no effects in the Nation and by Article one Section two of the Cherokee Constitution her citizenship is claimed to have been lost. There is some contention however that she was then a minor, between 18 and 21 years of age. The Commission admitted Fred Davis upon the ground that he was born during his mother's minority which did not terminate, according to the law of Georgia, her place of residence until February 6, 1900 when she became twenty-one years of age. The Cherokee Nation protests on the ground

that both Maud and her son Fred are barred by the act of June 28, 1898 (30 Stat., 495, 503) which provides that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

For reasons stated in my opinion herewith submitted upon reference of request of the Commissioner to the Five Civilized Tribes (I.T.D. 13218-1905) I am of opinion that the provision in the Act of June 28, 1898 is not repealed. It necessarily follows that by that provision both Maud England and also her son born after date of the act and whose right is dependent upon the right of his mother at date of his birth, are barred by the provision quoted and that the protest of the Cherokee Nation against enrollment of the applicant should be sustained and the applicant's enrollment be denied.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: December 28, 1905,

Thos. Ryan,

Acting Secretary.

Land.
50939-1905.
55789-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

August 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the consolidated applications made June 30, 1905, for enrollment as citizens by blood of the Cherokee Nation by Dock Davis, age 25 years, for himself and his two minor children, Clara and Clinton Davis; and for Susan Maud England (age 23 years) and her two minor children, Fred Davis and Pauline England.

June 30, 1905, the Commission decided favorably to Fred Davis and adversely to all the other applicants.

The record shows that Dock Davis and Susan Maud England were duly admitted to citizenship in the Cherokee Nation on December 16, 1887; that in 1895 they removed from Georgia to the Cherokee Nation, where they resided until 1897, when they returned to Georgia where they married citizens of that State and where the minor applicants were born. It further appears that the applicants did not return to the Cherokee Nation until after September 1, 1902, and during their absence possessed no property in the Cherokee Nation.

Fred Davis is the illegitimate child of Susan Maud England, born prior to the forfeiture of the mother's citizenship. The other minors were born subsequent to such forfeiture.

By letter of July 15, 1905, the Cherokee Nation transmits protest against the action of the Commission which has received due consideration.

In view of the record the approval of the Commission's decision favorable to Fred Davis and adverse to all the others is recommended.

Very respectfully,

F. E. Leupp
Commissioner.

M.M.M.

W.

Cherokee D-2772,

et al.

COPY.

Muskogee, Indian Territory, January 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Fred Davis, and rejecting the applications for the enrollment of Susan Maud and Pauline England, and Deck, Clara and Clinton Davis, as citizens of the Cherokee Nation, was reversed by the Secretary of the Interior on January 3, 1906, as to Fred Davis, and affirmed as to the other applicants.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED.

Tame Bixby.
Commissioner.

Incl. S-52

Cherokee D-2773.

50PY

Muskogee, Indian Territory, January 15, 1906.

Susan Maud England,

Big Cabin, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of your child, Fred Davis, and rejecting, among others, the application for the enrollment of yourself and child, Pauline England, as citizens of the Cherokee Nation, was reversed by the Secretary of the Interior on January 3, 1906, as to the enrollment of Fred Davis, and affirmed as to the enrollment of yourself and Pauline England.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED.

Tamie Dixby.

Commissioner.

Incl. 9-46

Cherokee freedman
R 1000

Muskogee, Indian Territory, July 28, 1906.

Susan Maud England,
Adair, Oklahoma.

Dear Madam:

This office is in receipt of your communication dated June 25, 1906, and sworn to June 26, 1906, in the matter of a motion for a rehearing in your Cherokee enrollment case.

Your letter was received at the post-office in Muskogee on June 26, at 10 P.M., and was received at this office on June 27, 1906. The Act of Congress provides in part:

" . . . and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act:"

As the application for the enrollment of yourself and children, Fred Davis and Pauline England, as citizens by blood of the Cherokee Nation, was denied by the Secretary of the Interior on January 3, 1906, and as your motion was not received at this office until after the expiration of

sixty days from April 26, 1906, it does not appear that
this office has any authority to entertain your said motion.

Respectfully,

N.A.



Commissioner.

Char R 1001

Trans from Char D 3186

Char R 1001

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., AUGUST 27, 1904.

Testimony of Ida Yarbrough, nee Wilson, relative to her right to enrollment as a citizen by blood of the Cherokee Nation, this day taken at the instance of the Commission.

Ida Yarbrough, being first duly sworn, testifies as follows:

BY THE COMMISSION:

- Q What is your name? A Ida Yarbrough.
- Q How old are you? A I am 39.
- Q What is your postoffice address? A Muskogee.
- Q Do you live in the town of Muskogee now? A Yes sir.
- Q You claim to be a citizen by blood of the Cherokee Nation? A Yes sir.
- Q You present here a letter from the Commission dated April 7, 1902, addressed to you at Shreveport, Louisiana, in which you were advised that if you desired to make application for enrollment in the Cherokee Nation it would be necessary for you to appear in person before the Commission for examination under oath, did you ever make such appearance before the Commission? A No sir, not only in writing.
- Q You never did appear in person for enrollment? A Not for this allotment business, I have before.
- Q I mean to the Dawes Commission? A No sir, I never did.
- Q You say only in writing, you refer then to the letter to which this one is an answer, on March 31, 1902? A Yes sir.
- Q That is the only form of application you have ever made to this Commission? A Yes sir. I first wrote to my cousin, Mr. Wilson, to see if he couldn't and he advised me to write to the Commission.
- Q Where were you born? A I was born in Louisiana but left there when I was quite small, and was raised in Texas, and I lived in Louisiana in 1902 and '03. I was married in Louisiana, lived there two years.
- Q Just follow up your different places of residence; you were born in Louisiana, left there when quite small and lived in Texas how long? A I lived there off and on ever since. I was about 17 the first time I came to Muskogee.
- Q How long did you stay here then? A I was here about a year and two months the first time.
- Q Then where did you go? A I went back to Texas.
- Q Then when did you come to the Territory again? A It must have been, I suppose it was about, maybe, two years before I came back.
- Q To what place in the Territory did you come then? A To Catoosa, and stayed a short time and then to Vian.
- Q These places are in the Cherokee Nation? A Yes sir, and I was enrolled at Catoosa once.
- Q What year was that? A The second time I came back.
- Q What year? A That must have been about the strip payment.
- Q 1894 strip payment? A No, that was the payment they had for thirteen dollars and some cents.
- Q \$13.70? A Yes sir. The first time I enrolled was at Canadian district. The first time I came, that was fifteen dollars, I think.
- Q Did you ever live in the Cherokee Nation at all? A I have spent as long as six and seven months at a time.
- Q Did you ever own any property of any kind in the Cherokee Nation? A No sir, I never was able to have anything done.

- Q Where are you living now? A In Muskogee.
- Q How long have you been living here? A It will be a year about the 12th of October, I think.
- Q What is the name of your father? A Arch Wilson.
- Q Is he living? A No sir.
- Q Was he a Cherokee by blood? A Yes sir.
- Q When did he die? A I don't remember the date, I was about five years old.
- Q Where did he die? A Jefferson, Texas.
- Q Was he ever recognized as a citizen by blood of the Cherokee Nation, Indian Territory? A Yes sir, he lived here for years before he went to Texas.
- Q When did he first leave the Cherokee Nation? A He left during the war.
- Q And never resided here after that time? A No sir, he intended coming back and was very anxious to come back and his health failed him.
- Q What is the name of your mother? A C. E. Akins.
- Q What is the C. for? A Charity Elizabeth is her name.
- Q Is she a citizen by blood of the Cherokee Nation? A No sir.
- Q White woman? A Yes sir.
- Q Where does she live? A Near Jefferson, Texas.
- Q Has she ever lived in the Cherokee Nation since the war? A No sir, she never lived here at all.
- Q Have you any family, any children? A No sir.
- Q What is the name of your husband? A J. M. Yarbrough.
- Q Is he a citizen of the Cherokee Nation or a white man? A A white man.
- Q Where does he live? A Muskogee.
- Q What Cherokee tribal rolls do you claim to be on? A I think the first time must have been about '84, I don't remember exactly, '83 or '84. I don't know.
- Q Where were you living when the '80 roll was made? A I don't know whether I am on that roll or not.
- Q Where were you living in 1880? A I was in Texas.
- Q Do you claim to be on any other rolls besides the 1883 roll? A Yes sir, I am on three rolls, the roll between that and the strip payment.
- Q Did you draw money each time you were enrolled? A Yes sir, three different times.
- Q Under what name would you appear on the 1883 roll? A Ida Wilson each time I was enrolled.
- Q In what district in 1883? A Canadian.
- Q In what district were you enrolled the next time? A It was Catoosa, that is Cooweescoowee district.
- Q The last time what district were you enrolled in? A Illinois district, Vian. The two first times I was enrolled a man by the name of Bryce had me enrolled with his family, and the last time was with Mrs. Bush.
- Q And the 1894 roll was the last one you were enrolled on? A Yes sir, that is the strip payment.
- Q You were not enrolled in 1896 then on the census roll? A No sir.
- Q Where were you living when that roll was made? A I was in Texas.
- Q Did you draw the money in 1894 at the regular payment, when all the other citizens drew? A Yes sir, it was paid at Fort Gibson.
- Q How much did you draw? A \$15.00.
- Q In '94? A That was \$13.70.
- Q That was the last payment you drew? A Yes sir, I got my money at Tahlequah. I was scratched off the roll and I had to go before the Council, and I got my strip money that way. It was after the payment was over with, along in the fall.
- Q Do you remember now how much you drew? A \$165.00.
- Q Wasn't it \$265.00? A No sir, it was \$165.00.

- Q The 1894 strip payment drew \$265.00. A The strip payment is what I am speaking of.
- Q Have you any papers from the Council to show that you drew that money? A No sir, I have-----
- Q Any copy of the Act of Council giving you that money? A No sir, I haven't any papers.
- Q In what year did you get that money? A It was 1895, I think that was the year.
- Q Did you ever know an Annie Rice? A Yes sir.
- Q What relation is she to you? A Half-sister.
- Q Did she draw your money for you in 1890 A Yes sir.

1880 authenticated Cherokee roll examined and name of applicant not identified thereon.

1896 Cherokee census roll examined and name of applicant not identified thereon.

1883 Cherokee pay roll examined and applicant's name found thereon as follows: 1883 roll, No. 124, Canadian district, Ida Wilson, aged 18 years, money paid to applicant \$15.15, witness to payment William W. Carey.

1886 Cherokee pay roll examined and the applicant's name not found thereon.

1890 Cherokee pay roll examined and the applicant's name found thereon as follows: 1890 roll, page 184, Cooweescoowee district, Ida Wilson, \$13.70 paid to Annie Rice, witness to payment T. W. Triplett.

1894 Cherokee strip payment roll examined and name of applicant not identified thereon.

- Q Do you know Alfred M. Wilson and Sallie B. Wilson? A No sir.
- Q Were you ever admitted to citizenship in the Cherokee Nation by any authority, either Cherokee tribal authority or other authority? A No sir, only in regard to my strip money is the only time, before that I never had any trouble.
- Q You mean at these three payments? A Yes sir, I drew my money without any trouble then.
- Q How long had you been in the Territory, or Cherokee Nation, when you drew the 1883 money? A I came here in February of '83 and the money----I must have come in '82, in February, and I think it was in the latter part of that summer.
- Q And how long did you stay after that payment? A Until the last of May the next year.
- Q Where did you come from? A Texas.
- Q Where did you go back to? A Texas.
- Q How long had you been here when you drew the 1890 money? A I was here, I think, about six months.
- Q Where did you come from? A Texas.
- Q How long did you stay after drawing that money? A About five or six months.
- Q Where did you go to? A Back to Texas.
- Q How long had you been here when you drew the 1894 strip payment money, as you say, in 1895? A I was here about five or six months that time.
- Q How long did you stay after drawing that money? A About two months I guess.
- Q Where did you come from? A Texas.
- Q And where did you go to? A Texas.
- Q Then have you ever made your home in the Cherokee Nation? A No sir, I can't say that I ever had any permanent home, I was just with my relatives. That is the reason I never lived here, my mother was there, that is the only home I had.
- Q Were you ever married before you married Mr. Yarbrough? A No sir.
- Q Have you any permanent home in the Indian Territory now? A No sir.

- Q You are just boarding? A Renting.
Q Have you a permanent home in Texas? A No sir.
Q You have no permanent home at all? A No sir, none at all.
Q Do you expect to make the Indian Territory your home? A Yes sir,
Q I expect to make this my home.
Q You are now advised that the Act of Congress approved July 1, 1902,
known as the Cherokee Agreement, provides:

" . . . the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two."

You are further advised that the Commission is now without authority to receive applications for enrollment in the Cherokee Nation.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this April 6, 1905.

My Comm. Expires:
Notary Public.

222

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 20, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of IDA YARBROUGH as a citizen by blood of the Cherokee Nation.

IDA YARBROUGH, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Ida Yarbrough.
Q How old are you? A I am 39.
Q What is your post office? A Muskogee.
Q You are an applicant for enrollment as a citizen by blood of the Cherokee Nation, are you? A Yes sir.
Q What degree of Cherokee blood do you claim? A I suppose my father was 1/8, and my mother was a white woman.
Q Your father was named Arch Wilson? A Yes sir.
Q Where did he die? A Jefferson, Texas.
Q Your former testimony shows that he died about 34 years ago?
A Yes sir, I was very small at the time.
Q That testimony also shows that he left the Cherokee Nation during the war? A Yes sir.
Q Did he ever return to the Cherokee Nation prior to his death?
A No sir, he intended to but his health was so bad he wasn't able to get back.
Q How old were you when you first came to the Cherokee Nation?
A I suppose I was about 17 years old the first time I came here as near as I can get at it.
Q Were you ever admitted to citizenship in the Cherokee Nation?
A Yes sir I went before council before this Strip Payment and was admitted as a citizen.
Q Were you ever admitted by an Act of the Cherokee National Council?
A Yes sir, I suppose that is the same as well as I understand it.
Q Have you had the records of the Cherokee Nation examined to ascertain whether or not there is any record of your admission?
A Yes sir.
Q I say have you had the records of the Nation examined? A Not since I have been here the last time, only just give my name where I have been enrolled on these three payments, three different times.
Q You have no copy of the Act of the Council admitting you? A No sir.
Q Did you ever have a copy of it? A No sir.
Q When were you and Mr. Yarbrough married? A We were married in 1903.
Q What day and month? A 25th day of March.
Q Were you ever married previous to that? A Yes sir.

BY MR. HASTINGS:

- Q Your father died at Jefferson Texas? A Yes sir.
Q Where were you married? A Shreveport, Louisiana.
Q Is your mother still living? A Yes sir.
Q Where does she live? A Near Jefferson, Texas, about 3 miles.
Q And has always lived there since the war? A Yes sir.
Q Where were you born? A In Shreveport, Louisiana.

- Q Has your mother remarried since your father's death? A Yes sir.
Q What is the name of her present husband? A Akins.
Q And you lived with your mother and step-father until you arrived of age? A Yes sir.
Q Lived with them until you married? A Yes sir off and on, I was here in the Territory a good deal with my relatives, and back there too.
Q You came during these payment times? A Yes sir, was here sometimes over a year at a time, I stayed here a good deal.
Q When did you come here this time? A This last it will be two years this coming October.
Q Then you came here in October of 1903? A Yes sir.
Q You say you never married before you married your present husband? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Have you ever owned any property of any kind in the Cherokee Nation? A No sir.

BY MR. HASTINGS:

- Q What does your step-father do? A He is a farmer.
Q Does he own a farm in Texas? A Yes sir.
Q Did your father own one when he died? A No sir, he always lived in town, he was generally in the hotel business.
Q Running a hotel? A Yes sir.

-----oOo-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 24th day of July, 1905.

John H. Smith

Notary Public.

Cherokee D-3166.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 27, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of IDA YARBROUGH nee WILSON as a citizen by blood of the Cherokee Nation.

APPEARANCES:

Applicant appears in person.
Cherokee Nation by W. W. Hastings.

IDA YARBROUGH, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Ida Yarbrough.
Q How old are you? A 39.
Q What is your post office? A Muskogee.
Q You are an applicant for enrollment as a citizen by blood of the Cherokee Nation? A Yes sir.
Q You offer in evidence a certificate signed by A. B. Cunningham, Executive Secretary of the Cherokee Nation, dated July 25, 1905, certifying that the name of Ida Wilson appears, among others, in an Act of the Cherokee National Council, the same being Senate Bill No. 29, making an appropriation to pay certain parties the sum of \$265.70 to the parties named in said Act out of any money in the National Treasurer not otherwise appropriated derived from the sale of the Cherokee Strip. The Act passed the Senate on November 27, 1894, and was signed by Isaac Jacobs, President Pro tem of the Senate, and attested by J. C. Starr, Clerk Pro tem of the Senate, and concurred in by the Council on November 27, 1894, and signed by V. Gray, Speaker Pro tem of the Council, and attested by J. H. Dick, Clerk of Council, and approved by C. J. Harris, Principal Chief of the Cherokee Nation on November 28, 1894. Are you the person named in this Act of the Council as Ida Wilson? A Yes sir.
Q Did you draw \$265.70? A Yes sir.
Q Did you yourself draw the money or some one for you? A DeWitt Wilson drew it for me, I was at Tahlequah but he attended to it for me.
Q Did you authorize him to draw the money for you? A Yes sir.
Q Did he receipt for it? A Yes sir.

BY MR. HASTINGS:

- Q Where were you at the time? A I was at Vian, Illinois District.
Q How long had you been there? A I had been there about 3 or 4 months I suppose.
Q What time did you leave Vian? A I think it was about the last of January.
Q Of 1895? A Yes sir.

Q Went back to Jefferson, Texas? A Yes sir.
Q You remained there until 1903, I believe you stated? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

The certificate presented by the applicant is filed with and made a part of the record in this case.

THIS CASE IS CLOSED.

-----oOo-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 31st day of July, 1905.

William H. Hitt

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ida Yarbrough
as a citizen by blood of the Cherokee Nation.

Reply of the Cherokee Nation to Motion
to Reopen.

A petition has been filed by the applicant to reopen her case and refer the same to the Commissioner to the Five Civilized Tribes that she may offer proof of her residence in the Cherokee Nation. The representative of the Cherokee Nation most earnestly protests against the granting of the said motion for the following reasons:

That the said applicant was given all opportunity necessary when the case was up before the Commissioner to the Five Civilized Tribes to have produced all testimony that she could find showing her residence in the Cherokee Nation after her father and mother left this country and went to the State of Texas, and she failed to take advantage of the opportunity.

The evidence briefly summed up in this case shows that the applicant was born in the year 1866 in the State of Louisiana; that her father was Arch Wilson, a Cherokee by blood, and her mother Charity Elizabeth Wilson, a white woman; that during the war of the Rebellion her parents removed from the Cherokee Nation to the State of Texas; that her father died in the State of Texas about 1870. Neither her father nor her mother returned to the Cherokee Nation after the close of the war; and the evidence further shows that the applicant has at no time had a bona fide residence in the Cherokee Nation since her birth; that her mother and father were not residents of the Cherokee Nation at the time of her birth and, so far as the proof shows, had no property whatever in the Cherokee Nation. Neither of her parents returned to the Cherokee Nation after the applicant was born, and neither of them had any property in the Cherokee Nation at the time of their death, nor has the applicant, so far as the proof shows,

ever had a permanent home in the Cherokee Nation since her birth, nor was she ever readmitted by the Cherokee authorities to citizenship. The entire record shows that the applicant has at no time taken any step towards establishing a permanent home in the Cherokee Nation or acquiring a residence or property therein. The rolls, it is true, of the Cherokee Nation in 1866 show her enrollment, but as was done in the 1864 strip payment when people were paid money and enrolled who were not residents of the Cherokee Nation and who had never been.

It is respectfully submitted that the decision of the Commissioner to the effect that the money is correct and should not be distributed to the applicant's estate should be denied.

Respectfully submitted,

(Signed) W. W. Hastings
Attorney for the Cherokee Nation.
H. M. A.

964
Cherokee Memo.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ida Wilson as a citizen by blood of the Cherokee Nation

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It appears from the record herein that on March 31, 1902, Ida Wilson directed a communication to the Commission, wherein she requested to be informed whether or not she could be placed upon the Cherokee final rolls, and receive an allotment of lands in said Nation. She further stated that she was a citizen by blood of the Cherokee Nation, and that her name appeared upon certain of the Cherokee rolls in the possession of the Commission. In reply thereto the Commission, on April 7, 1902, informed said applicant that "All applicants for enrollment over twenty-one years of age, or married, shall appear in person before the Commission for examination under oath."

On August 27, 1904, the said applicant made personal appearance before this Commission at Muskogee, Indian Territory, and gave testimony relative to her right to enrollment as a citizen of the Cherokee Nation. She at that time stated that said appearance was her first personal appearance before the Commission, but that she had, on March 31, 1902, written the Commission requesting information relative to her right to enrollment, and presented a letter of the Commission dated April 7, 1902, in reply thereto.

The premises considered, it is the opinion of this Commission that application was made within the time limited by the Act of Congress approved July 1, 1902 (32 Stat., 716), for the enrollment of Ida Wilson as a citizen by blood of the Cherokee Nation, and that the same should be received and considered as such, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman


Commissioner

Muskogee, Indian Territory,
JUN 30 1905


Commissioner

07B

Cherokee D 2286.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ida Wilson as a citizen of the Cherokee Nation.

D E C I S I O N.

On June 30, 1905, the Commission to the Five Civilized Tribes rendered its decision adjudging that Ida Wilson, the applicant in this case, made application for enrollment as a citizen by blood of the Cherokee Nation within the time limited by the Act of Congress approved July 1, 1902 (32 Stat., 716). Proceedings were had in the matter of this application at Muskogee, Indian Territory, on August 27, 1904, July 20 and July 27, 1905.


The evidence shows that the applicant was born about the year 1866, in the State of Louisiana; that she is the daughter of Arch Wilson, a recognized citizen by blood of the Cherokee Nation, and Charity Elizabeth Wilson, a white woman; that during the war of the rebellion her parents removed from the Cherokee Nation to the State of Texas, and that her father died in the State of Texas in the year 1870; that neither her father nor her mother ever returned to the Cherokee Nation after their removal therefrom during the war, and that the applicant has never been a bona fide resident of the Cherokee Nation; that she has, however, made short visits to the Nation but has never had any property or a home therein.

The records of this office fail to show that the applicant was ever admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof, her name, however, appears on the 1885 and 1886 Cherokee pay rolls, and the applicant is also mentioned in an Act of the National Council approved November 28, 1894, entitled: "An Act making an appropriation to pay certain parties from Illinois district", wherein the Treasurer was authorized "to pay the sum of two hundred and sixty-five dollars and seventy cents out of the twenty thousand dollars reserved Strip fund, or any other money now in the National Treasury not otherwise appropriated, derived from the sale of the Strip".

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), in part provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship".

It is, therefore, ordered and adjudged that under the provisions of the law above noted, Ida Wilson is not entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly denied.



Commissioner.

Dated at Muskogee, Indian Territory,

this OCT 7 - 1905

(COPY)

SENATE BILL NO. 29.

An Act making an appropriation to pay certain parties from Illinois District.

Be it enacted by the National Council:-

That the Treasure be, and he is hereby authorized to pay the sum of Two Hundred and Sixty-five Dollars and Seventy cents out of the Twenty Thousand dollars reserved Strip fund, or any other money now in the National Treasury not otherwise appropriated, derived from the sale of the Strip, on a warrant issued by the Principal Chief in favor of the following named persons:

Mary J. Riley	\$265.70
Edward Riley,	265.70
Hunter Buster	265.70
Betsy Buster	265.70
Chow-a-yuke Buster,	265.70
Polly Buster,	265.70
Deck Buster	265.70
Hammie Wofford	265.70
Robt. Hilterbrand,	265.70
Ka-yor-ha Ya-ho-la	265.70
Hsie Hilderbrand	265.70
Effie Brown,	265.70
Geo. Burr	265.70
Hattie Sixkiller	265.70
Sam Birdtail,	265.70
Yute Adair	265.70
Glido Benson Maxwell,	265.70
Monica Adna Adair,	265.70
Lucinda Sanders,	265.70
Geo. Sanders,	265.70
Effie Sanders,	265.70
Lucy Masoleshell,	265.70
Aze Jumper,	265.70
Hunter Jumper,	265.70
Chow-a-yuke Jumper,	265.70
Jacquiline Pearl Starr,	265.70
Solomon Bragg Wren,	265.70
IDA WILSON	265.70
Fanny Berry	265.70
Fidella Berry,	265.70
Josaphine Berry,	265.70
Spire Berry,	265.70
Louise Berry,	265.70
Hawk Watts,	265.70

Passed the Senate Nov. 27th, 1894.

J. C. Starr,
Clk. of Senate pro tem.

Isaac Jacobs,
President of Senate
pro tem.

Concurred in by the Council Nov. 27, 1894.

A. H. Dick,
Clk. of Council.

V. Gray,
Speaker of Council
pro tem,

Approved Nov. 28, 1894

C. J. Harris,

Principal Chief.

(2)

I hereby certify that the above and foregoing is a true and correct copy of an Act of the National Council entitled "An Act making an appropriation to pay certain parties from Illinois District approved November 26, 1894, as of record in this department.

(Signed) A. B. CUNNINGHAM

Executive Secretary

(S E A L)

Executive Department,
Tahlequah, I.T., July 25, 1905.

-0-0-0-0-0-0-0-0-0-0-

The undersigned, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy, and that the same is a full true and correct copy of the transcript of the original record.

Luz M. Bowman

Subscribed and sworn to before me this 8th day of August, 1905.

Myron White,

Notary Public

(C O P Y)

Muskogee, Indian Territory , April 7, 1902

Miss Ida Wilson,
1102 Reynolds street
Shreveport, Louisiana.

Dear Madam:

The Commission is in receipt of your letter of March 31, relative to your right to enrollment as a citizen of the Cherokee Nation; your letter giving the rolls of the Cherokee Nation upon which your name appears.

In reply, you are advised that the Cherokee payment roll of 1894 has been examined and there appears thereon the name of one Ida Wilson. It is impossible to tell whether you are the party so enrolled or not.

If you desire to make application for enrollment as a citizen of the Cherokee Nation you are advised that the rules and regulations of the Department require that all applicants for enrollment over 21 years of age or married shall appear in person before the Commission for examination under oath.

The Commission will be at Muskogee, Indian Territory, until July 1, 1902. By authority granted him in the act of Congress approved March 3, 1900, the Secretary of the Interior has directed this Commission not to hear applications for enrollment as Cherokee citizens after July 1, 1902.

I.W.-2-

Your attention is, however, called to the act of Congress approved June 28, 1898, which contains the following provision:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Yours truly,

(Signed) T. B. NEEDLES

Commissioner in Charge

COPY.

Cherokee Memo.

Muskogee, Indian Territory, June 30, 1905.

Ida Yarbrough,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, holding that application was made for your enrollment within the time limited by the Act of Congress approved July 1, 1902 (32 Stats., 716).

Respectfully,

(SIGNED).

Tame Dixby

Chairman.

Incl. 8-84
Register

Cherokee-D-3186.

Muskogee, Indian Territory, July 19, 1906.

COPY.

Ida Yarbrough,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that you will be permitted to appear before this office on August 3, 1906, for the purpose of introducing any evidence you desire to present tending to prove your right to enrollment as a citizen by blood of the Cherokee Nation.

You are also advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Jame Dixby

Commissioner.

Cherokee-D-3186.

Muskogee, Indian Territory, July 19, 1905.

COPY

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of the record in the matter of the application for the enrollment, as a citizen by blood of the Cherokee Nation, of Ida Yarbrough (nee Wilson) together with a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, holding that application was made for her enrollment within the time limited by the Act of Congress approved July 1, 1902, (32 Stats., 716).

You are hereby advised that said Ida Yarbrough has this day been notified that she will be permitted to appear before this office on August 3, 1905, and introduce any further testimony she desires tending to prove her right to enrollment as a citizen of the Cherokee Nation. The Cherokee Nation will also be permitted, on that date, to introduce any testimony it desires in the matter of said application.

Respectfully,

(SIGNED)

Jame Dixie

Commissioner.

Encl. C-1.

Cherokee D-3166.

COPY.

Muskogee, Indian Territory, July 27, 1905.

W. V. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony of July 20, 1905, in the matter of the application for the enrollment of Ida Yarbrough as a citizen by blood of the Cherokee Nation.

Respectfully,

(SIGNED)

Tams Dixby.

Commissioner.

Incl. 3-12

Cherokee D-3186.

COPY.

Muskogee, Indian Territory, July 31, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed you, herewith, copy of supplemental testimony of July 27, 1906, taken in the matter of the application of Ida Yarbrough for enrollment as a citizen by blood of the Cherokee Nation.

Respectfully,

(SIGNED) *Tame Diney*
Commissioner.

LS

Incl. 9-30

Cherokee D-3186.

COPY,

Muskogee, Indian Territory, July 31, 1905.

Ida Yarbrough,

Muskogee, Indian Territory.

Dear Madam:

There is inclosed herewith copy of supplemental testimony of July 27, 1905, taken in the matter of your application for enrollment as a citizen by blood of the Cherokee Nation.

Respectfully,

LS

Incl. S-31

SIGNED. *Tame Dixey*
Commissioner.

COPY.

Muskogee, Indian Territory, October 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment, as a citizen by blood of the Cherokee Nation, of Ida Wilson, (now Yarbrough), including the Commissioner's decision dated October 7, 1905, rejecting said application.

Respectfully,

SIGNED

Incl. 8-55

Commissioner.

Through the

Commissioner of Indian Affairs.

Cherokee D-3186.

PY:

Muskogee, Indian Territory, October 7, 1905.

Ida Yarbrough,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 7, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. S-53
Register

L. C. ...
Commissioner.

Cherokee D-3186.

COPY.

Muskogee, Indian Territory, October 7, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 7, 1906, rejecting the application of Ida Yarbrough for enrollment as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. 3-54

Tame Little
Commissioner.

(C O P Y)

D. C. 8776-1906
I.T.D. 14884-1906

DEPARTMENT OF THE INTERIOR
WASHINGTON.

Y.P.
LLB

L R S

March 2, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 7, 1905, you transmitted the record in the matter of the application for the enrollment of Ida Wilson (now Yarbrough) as a citizen by blood of the Cherokee Nation.

Reporting November 9, 1905, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated October 7, 1905, is hereby affirmed.

Respectfully,

1 inclosure

(Signed) THOS RYAN
First Assistant Secretary

Land
81043-1905

(C O P Y)

DEPARTMENT OF THE INTERIOR,

-COPY)

OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Nov. 9, 1905

The Honorable,

The secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 7, 1905, transmitting the record of the application for enrollment as a citizen of the Cherokee Nation, by Ida Wilson. October 7, 1905, the Commissioner decided adversely to the applicant.

The record shows that the applicant was born about 1866, in the State of Louisiana; that she is a daughter of Arch Wilson, a recognized citizen by blood of the Cherokee Nation, and Charity Elizabeth Wilson, a white woman; that during the war of the rebellion, her parents removed from the Cherokee Nation to the State of Texas, and that her father died in the State of Texas in 1870; that neither her father nor mother ever returned to the Cherokee Nation, and that the applicant has never been a resident of the Cherokee Nation, and has never had any property or home therein.

In view of the record and of section 21 of the Act of June 26, 1898 (30 Stat., 495) the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully ,

M.M.M.-HL

C. F. LARRABEE
Acting Commissioner

Cherokee D-3186.

Muskogee, Indian Territory, March 10, 1906.

Ida Yarbrough,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 7, 1905, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 2, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-38

Acting Commissioner.

Cherokee D-3186.

Muskogee, Indian Territory, March 10, 1906.

W. V. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 7, 1905, rejecting the application of Ida Wilson (now Yarbrough), for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 2, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-39

Acting Commissioner.

Muskogee, Indian Territory, May 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith a motion of Ida Yarbrough for a rehearing in her Cherokee enrollment case.

The records of this office show that on October 7, 1905, the Commissioner to the Five Civilized Tribes rejected the application of Ida Wilson (now Yarbrough) for enrollment as a citizen by blood of the Cherokee Nation, under the provision of the Act of Congress approved June 25, 1898 (30 Stat., 495), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

and that on March 2, 1906 (I.T.D. 14854-1906), his action was duly affirmed by the Department.

The motion is supported by the affidavit of Belle Rush of Muskogee, Indian Territory, in which it is stated that affiant knows the applicant, is her cousin, and the "greater part of the time from 1883 to the spring of 1898 Ida Yarbrough was a resident of the Indian Territory." The Cherokee Nation has filed a protest against the granting of this motion and

Secretary--2.

the same is also inclosed herewith. No claim is made in the motion of the discovery of new evidence, or of any error in the decisions of the Commissioner and Department.

As there is nothing contained in the motion or affidavit attached which was not considered prior to the rendition of a decision in the case, it is respectfully recommended that the motion be denied.

Respectfully,

Incl. GL-62.
GHL

Commissioner.

Through the Commissioner
of Indian Affairs.

Cherokee
R 1001.

Muskogee, Indian Territory, December 17, 1906.

Ida Yarbrough,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that a motion for rehearing in your Cherokee enrollment case was denied by the Secretary of the Interior, December 6, 1906.

For your information, a copy of Departmental decision referred to is enclosed herewith.

Respectfully,

Encl. H-91
JMH

Commissioner.

Cherokee
R 1001.

Muskogee, Indian Territory, December 17, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for rehearing
in the Cherokee enrollment case of Ida Wilson (Yarbrough),
was denied by the Secretary of the Interior, December 6, 1906.

For your information, a copy of Departmental
decision referred to is enclosed herewith.

Respectfully,

Encl. H-92
JHX

Commissioner.

D.C.53845.

(COPY)

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

JFJr.

I.T.D.14854-1905
10778-1906.

December 6, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On June 9, 1906 (Land 47204), the Indian Office transmitted your report dated May 29, 1906, in reference to a motion for rehearing filed by Ida Wilson, in the matter of her application for enrollment as a citizen by blood of the Cherokee Nation.

You recommend that said motion be denied.

A consideration of this motion in connection with the record in the case shows the proper reason for a further consideration of the case. The motion is based solely upon the affidavit of Belle Rush that the applicant was for the greater part of the period of time extending from the year 1883 to the spring of 1895 a resident of the Indian Territory. This affidavit is controverted by the testimony of the applicant, as shown by the record.

The motion is hereby denied.

The record, motion, and accompanying papers have been returned for the files of the Indian Office.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.
7 inc. to Ind Of.

Char R 1002

#1 Trans from Char D 113

See Char 10970

Char R 1002

Cher R 1003

Trans from Cher D 1794

Cher R 1003

Cherokee D--1791 et al.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MURKOOK, I. T., OCTOBER 19, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GEORGE WARD ET AL., as citizens by blood of the Cherokee Nation.

GEORGE W. WARD, being first duly sworn, testified as follows:

Q. TESTIFY OF THE COMMISSIONER:

- Q. What is your name? A. George Ward, G. W. Ward is the way I sign my name.
- Q. George W. Ward? A. Yes sir.
- Q. How old are you? A. 62 the first day of last January.
- Q. What is your post office address? A. Whiting, Missouri, Mississippi County.
- Q. Are you a Cherokee by blood? A. Yes sir.
- Q. What degree of Cherokee blood have you? A. About 1/4.
- Q. What is the name of your father? A. Charles Ward.
- Q. Is he living? A. No sir, dead, died in '61.
- Q. Was he a Cherokee? A. Yes sir.
- Q. What is the name of your mother? A. Her name was Hensley before she married, Vira Hensley.
- Q. She is dead? A. Yes sir.
- Q. Was she a Cherokee? A. No sir.
- Q. Have you some children? A. Yes sir.
- Q. What are their names? A. The oldest one is Elvira Elvira Ward.
- Q. How old is she? A. About 35 years old I think, to the best of my recollection.
- Q. Is she living? A. Yes sir.
- Q. I find on the roll of 1837 following the name of Rachel L. Ward, the name of a child 10 years old at that time, G. W. Ward?
- A. That was "izie."
- Q. You state she is living? A. Yes sir, living in Tennessee.
- Q. Is her mother a white woman? A. Yes sir, her mother is.
- Q. What was her name? A. Her name was Margaret Pinion before I married her.
- Q. Is she dead? A. Yes sir, she is dead.
- Q. And you are the father of "izie"? A. Yes sir.
- Q. Is the name of your next child Icc? A. Louvinia.
- Q. Is she about 32 years of age now? A. Something right about that, I don't remember the exact age of them.
- Q. What is the name of her mother? A. Same as the other, Margaret Pinion.
- Q. Is your next child "at S. ? A. Martha Susan.
- Q. Is she about 31 years of age? A. Yes sir.
- Q. What is the name of her mother? A. The same name.
- Q. Is the name of the next child Cordelia? A. Yes sir.
- Q. Is she living? A. Yes sir.
- Q. What is the name of her mother? A. Rachel Hicks before I married her.
- Q. Is her full name Rachel L. Hicks? A. Yes sir.
- Q. Her name is Ward now? A. Yes sir.

- Q Is she a white woman? A Well, I don't know, I got her way back in the mountains there in the old Nation and she shows up to be an Indian, but she was raised an orphan and doesn't know, and I don't know. She doesn't claim to be at all.
- Q Is your next child George Ward? A Yes sir.
- Q Is he living? A Yes sir.
- Q What is the name of his mother? A Rachel Ward.
- Q Have you any more children? A Yes sir, got 7 more.
- Q Give the name of your next oldest one? A Eddie Thomas.
- Q How old is he? A He is 2 years old.
- Q What is the name of his mother? A Rachel L. Ward.
- Q Your next child? A Joe Miller.
- Q Is he living? A Yes sir.
- Q How old is he? A About 21, he may be 22.
- Q The name of his mother the same? A Yes sir.
- Q The next child? A John Tiedel.
- Q Is he living? A Yes sir.
- Q How old is he? A He is 18.
- Q His mother the same? A Yes sir.
- Q The next child? A Charles Jackson.
- Q His age? A He is 14.
- Q His mother the same? A Yes sir.
- Q The next child? A Sam.
- Q Is he living? A Yes sir.
- Q His age? A He is 2 1/2 years younger than Charlie, make him about 11 1/2.
- Q His mother the same? A Yes sir.
- Q The next child? A Martin Jerome.
- Q How old is he? A He is 6 years old.
- Q Is he living? A Yes sir.
- Q Has he the same mother? A Yes sir.
- Q The next child? A Harry Levi.
- Q Is he living? A Yes sir.
- Q His age? A 6 years old.
- Q Has he the same mother? A Yes sir.
- Q The next child? A That is all, that winds them up.
- Q Did you at one time live in the Cherokee Nation? A Yes sir.
- Q When did you come to the Cherokee Nation first? A I came in there about '76.
- Q Then how long did you live there? A Until '80, the very last month of '80.
- Q Then where did you go? A I went from there to west Tennessee. I started to go to Eureka Springs, Arkansas, started for the health of my wife and children, I started out and got so raffling and we went to west Tennessee before I stopped.
- Q How long did you live in west Tennessee? A Two years.
- Q Then where did you go? A From there up near Nashville, Tenn.
- Q How long did you live there? A 10 years.
- Q Then where did you go? A I went from there to Chattanooga, in east Tennessee.
- Q How long did you stay there? A Just a year.
- Q Then where did you go? A Come back to Sumner County, Tennessee.
- Q How long did you stay in that county? A Until 3 years ago.
- Q Then where did you go? A I come to Mississippi County, Missouri.
- Q Have you been living there continuously since then? A Yes sir, three years.

- Q You never have returned to the Cherokee Nation since you left in 1830? A Not until now.
- Q Did you ever own a farm in the Cherokee Nation? A I bought some improvements from John Bearpaw and Jack Hawk, just the improvements when I bought it, about seven acres of the land cleared. They allowed me land around the place about a quarter of a mile. That is the way it was.
- Q How long did you keep that place, that claim? A During all the time I was out here in the Territory.
- Q When you left did you dispose of it? A No sir, just left it standing there.
- Q Just abandoned it? A Yes sir.
- Q Since that time have you ever owned any property in the Cherokee Nation? A No sir.
- Q Never owned any of any kind? A Not a thing.
- Q Never have identified yourself in any way with the Cherokee Nation since you left? A No sir.
- Q Your wife Rachel seems to be on the roll of 1830 with you as an adopted white, that is the mother of these children is it? A Yes sir.
- Q When were you and she married? A We were married in '73. My first wife, me and her was married a long while, she just lived nine years, then I lived alone by myself with those three first children for about a year and eleven months, then me and this woman was married that I have got now.
- Q Has her residence been the same as yours ever since you married? A Yes sir, just the same.
- Q Now your children, Fizzia Elvira, Louvinia, Martha Susan, Cordelia, and George, where have they lived since you left the Cherokee Nation? A The most of the time with me until they all married off. Kizzie, she has been living in Sumner County since I went there. Louvinia lives in Robinson County, Martha Susan in Robinson county, Cordelia in Daniels County but not long, she came to Mississippi County, Missouri, before I did.
- Q Were all these children born before you left the Cherokee Nation in 1830? A Yes sir.
- Q And they lived with you until they were grown and married? A Yes sir.
- Q Have any of them returned to the Cherokee Nation? A Not that I know of. I was expecting one of my daughters to be here today.
- Q Now have any of your children, this older set of children, ever owned any property interest in the Cherokee Nation? A No sir.
- Q They never have identified themselves with the Cherokee Nation in any way since you left? A No sir.
- Q Where was your child, Eddie Thomas, born? A In Murray County, Tennessee, I stopped in west Tennessee put near two years, he was born October 11, after I left here in 1830.
- Q Now all of these other children younger than Eddie were born after you left the Cherokee Nation? A Yes sir, he was born on the road as I went from the Cherokee Nation.
- Q Never have any of them been in the Cherokee Nation? A No sir.
- Q Has their residence been the same as yours? A Yes sir, and is until this time.
- Q Have you ever drawn any money from the Cherokee Nation? A Yes sir, I drew some in '05.
- Q Bread payment? A Yes sir.
- Q Have you, since you left the Cherokee Nation, drawn any money? A No sir.

Q Your oldest child, Kizzie Davis, she is married, is she? A Yes sir, she is a widow now though.

Q What is the name of her husband? A William Bruce.

Q He is a non-citizen? A Yes sir.

Q When were they married? A They were married, I disremember but it was along, -- she was about 19 years old when they were married.

Q Has she any children? A Yes sir.

Q How many? A Five.

Q What is the name of her eldest child, do you know? A Yes sir, her name is, I just can't remember it now, -- it is Ida.

Q Ida Bruce? A Yes sir.

Q How old is that child? A About 10 years old.

Q Is she living? A Yes sir.

Q Is William Bruce dead? A Yes sir.

Q What is the name of her next child? A Her next child was named Frank.

Q How old is he? A He is about 8 I reckon.

Q Is he living? A Yes sir.

Q Rather named William Bruce? A Yes sir.

Q The next child? A Eva.

Q Is she living? A Yes sir.

Q How old is she? A About 6 or 7 years old, along there somewhere, she is 6 or 7.

Q Father William Bruce? A Yes sir.

Q What is the name of the next child? A He, I don't know, they always called him Cap.

Q Is he living? A Yes sir.

Q How old is he? A Just about a year and 16 months younger than that other one.

Q What is the name of the last child? A Essie.

Q How old is she? A She is about 2 1/2 years old now.

Q She was born after September 1, 1902? A Yes sir.

Q Now Louvinia, is she married? A Yes sir.

Q What is the name of her husband? A Charlie Suter.

Q He is a non-citizen? A Yes sir.

Q When were they married? A They were married about, I think they were married in '85, she was married a long time before Kizzie.

Q Have they some children? A Two, yes sir.

Q What is the name of the eldest child? A Charlie Washington.

Q Is he living? A Yes sir.

Q How old is he? A 15 years old.

Q Charlie Suter living? A Yes sir.

Q Their next child? A John.

Q How old is John? A He is about 13 years old.

Q Is he living? A Yes sir.

Q Father Charlie Suter? A Yes sir.

Q That is all the children they have? A Yes sir, that is all, just two.

Q Your child Martha Suter, is she married? A His name is Bob Suter, the same name as that other one.

Q He is a non-citizen? A Yes sir.

Q When were they married? A They were married in, I think it was about '90.

Q Have they any children? A Yes sir, they have a whole house full of them, I don't know as I can tell all their names.

Q You don't know their names? A No sir, I don't know their names.

- Q Your daughter Cordelia, is she married? A Yes sir, been married twice.
- Q What was the name of her husband? A Sam,--S. W. Copeland.
- Q What is the name of her present husband? A Charlie Steward.
- Q When did she marry him? A About two years ago.
- Q Now prior to her marriage to him, what was the name of her husband? A His name was Copeland.
- Q First name? A S. W., Sam Copeland.
- Q Was he a non-citizen? A Yes sir.
- Q Now has your daughter some children? A Yes sir, four.
- Q What are their names, the oldest one? A Arthur.
- Q Arthur Copeland? A Yes sir.
- Q How old is he? A He is 10 or 11 years old.
- Q He is living? A Yes sir.
- Q S. W. Copeland living? A No sir, he is dead.
- Q What is the name of her next child? A Levi Copeland.
- Q How old is Levi? A He is 9 years old.
- Q Levi and Arthur both living? A Yes sir.
- Q The next child? A Devore.
- Q How old is he? A He is 7 years old, just shedding his bread teeth.
- Q He is living? A Yes sir.
- Q A boy? A Yes sir.
- Q The next child? A Louinda.
- Q Is she living? A Yes sir.
- Q How old? A Three years old.
- Q Do you know when she was born? A No sir, not exact, she was born about a year before Steward and my daughter was married. She never has seen her father.
- Q Do you know whether she is three or over three? A She may be a little over three, I don't know, I couldn't just give the correct age of her at all, but then it is something just along about three years old. This other bunch of children I failed to give you the names of, I will get those named and send them in to you.
- Q That last child is a child of S. W. Copeland? A Yes sir.
- Q Is George got any children? A Yes sir, just one.
- Q How old is it? A About a year and a half old.
- Q What is George's post office? A Whiting, Missouri.
- Q What is Cordelia's post office? A The same one, we all live there in a bunch.
- Q Her name is Steward? A Yes sir.
- Q Martha lives at Whiting? A No sir, she lives at Greenbrier, Robinson County, Tennessee.
- Q Louvinia? A She lives at the same post office, Greenbrier.
- Q And Lizzia? A Goodlettsville, Davidson County, Tennessee.
- Q Now none of your grand children by your first set of children were born in the Cherokee Nation? A No sir.

- Q And none of them have ever been in the Cherokee Nation? A Never have.
- Q You, nor none of your children or grand children own any property whatever in the Cherokee Nation? A None at all.

Copies of this testimony will be filed with and made a part of the record in the following Cherokee Doubtful Enrollment cases:

Cherokee D-1794
Cherokee D 1795
Cherokee D 1796
Cherokee D 1797
Cherokee D 1798
Cherokee D 1799
Cherokee D 1800

-----000-----

George H. Lussley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lussley

Subscribed and sworn to before me this 23rd day of October, 1905.

Edward McCreck
Notary Public.

C. D. 1794.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 18, 1905

In the matter of the application made for the enrollment of George Ward, et al., as citizens of the Cherokee Nation.

Tandy W. Adair, being duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Tandy W. Adair.
Q What is your age? A 38.
Q What is your post office? A Ballisaw.
Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Did you once live in Flint District? A Yes, sir.
Q Were you ever acquainted with a man in Flint District by the name of George Ward? A Yes, sir.
Q When did you first become acquainted with George Ward?
A It has been something like 23 or 24 years ago.
Q Was he living in Flint District at that time?
A Yes, sir.
Q Was he a man of family or single?
A He was a man of family.
Q Do you remember the name of his wife?
A No, sir, I do not remember the name of his wife.
Q Do you know whether or not it was Rachel Ward?
A No, sir.
Q Do you remember whether or not she was a white woman or a citizen of the Cherokee Nation?
A No, sir, I do not remember.
Q Did George Ward have any children?
A Yes, sir, but I do not remember the number.
Q Do you know the names of any of these children?
A No, sir, I do not.
Q Was George Ward a recognized citizen of the Cherokee Nation?
A I think he passed as a recognized citizen at that time.
Q Do you know what amount of Cherokee blood he possessed?
A No; I think he voted there with us at that time.

One George Ward is identified on the 1880 Cherokee Tribal Roll, Flint District, along with other members of his family, numbering from 1455 to 1470.

- Q Is it your opinion that this is the man to whom you refer?
A Yes, sir.
Q Is George Ward living in the Cherokee Nation at the present time?
A I do not think he is.
Q How long has it been since you saw him?
A It has been quite a number of years since I saw George; hits been 18 years; hits been 23 or 24 years since I got acquainted with him.
Q Did he live as neighbor to your family in Flint District?
A Yes, sir.
Q Is it your information that he has been gone from the Cherokee Nation about 18 years?
A Yes, sir.
Q Do you know where he and his family are living at the present time?
A No, sir, I do not.
Q Did George Ward own any property in the Cherokee Nation?
A I do not think he did; he was just there.
Q Does he own any now?
A I could not say, I do not think he does.
Q Has he any relatives in the Cherokee Nation?
A Yes, sir, he has a sister at Foil - near Foil.
Q What is her name?
A Well, I can not remember; she is the wife of John Holland.
Q Is she a recognized and enrolled citizen by blood of the Cherokee Nation?
A Yes, sir.

W. P. Covington, being duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, he reported proceedings had in the above and foregoing case on the 18th day of July 1905, and that the above and foregoing is a full and correct transcript of his said stenographic notes taken in said case.

Subscribed and sworn to before me, this July 18 1905.

Geo P. Brown
Notary Public.

C7B

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George W. Ward et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

George W. Ward,	Cherokee D 1794
Xaira Elvira Bruce	" D 1796
Louvinia Guter	" D 1797
Martha Susan Guter	" D 1798
Cordelia Copeland	" D 1799
George Ward	" D 1800
Charles R. Ward	" D 1802
Martha Catherine Ward	" D 1807
Lee Anna Ward	" D 1806
Eler J. Ward	" D 1806
Charles Ward	" D 1809
E. J. Ward	" D 1803
Mary E. Ward,	" D 1804.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the five civilized Tribes and made applications for the enrollment of George W. Ward, C. R. Ward, Lee Ward, Mat E. Ward, Cordelia Ward, George Ward, Chas. R. Ward, Mat C. Ward, Lee A. Ward, Eler J. Ward, Chas. Ward, E. J. Ward and Mary E. Ward, their families and descendants, as citizens of the Cherokee Nation. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, July 18, and October 18, 1905, in which it is shown that the application for the enrollment of George W. Ward included himself and his children, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam, Martin Jerome:

and Harry Levi Ward; that the correct name of the applicant C. M. Ward on September 1, 1902, was Kisira Elvira Bruce, and she will now be listed for enrollment as Kisira Elvira Bruce; that the application for the enrollment of Kisira Elvira Bruce included herself and her children, Ida, Frank, Eva and Cap Bruce; that the correct name of the applicant Loo Ward, on September 1, 1902, was Louvinia Suter, and she will now be listed for enrollment as Louvinia Suter; that the application for the enrollment of Louvinia Suter included herself and her children, Charlie Washington and John Suter; that the correct name of the applicant Mat S. Ward on September 1, 1902, was Martha Susan Suter, and she will now be listed for enrollment as Martha Susan Suter; that the application for the enrollment of Martha Susan Suter included herself and her children, names unknown; that the correct name of the applicant Cordelia Ward on September 1, 1902, was Cordelia Copeland, and she will now be listed for enrollment as Cordelia Copeland; that the application for the enrollment of Cordelia Copeland included herself and her children, Arthur, Levi, Devere, and Lucinda Copeland; that the correct name of the applicant Mat C. Ward is Martha Catherine Ward, and she will now be listed for enrollment as Martha Catherine Ward.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood, and that the principal applicants, George W. Ward, as George Ward, Kisira Elvira Bruce, as C. M. Ward, Louvinia Suter, as Loo Ward, Martha Susan Suter, as Mat S. Ward, Cordelia Copeland, as Cordelia Ward, George Ward, Charles R. Ward, as Chas. R. Ward, Martha Catherine Ward, as Mat C. Ward, Loo Anna Ward, as Loo A. Ward, Elmer J. Ward, Charles Ward, as Chas. Ward, H. J. Ward, and Mary E. Ward, are identified on the Cherokee authenticated tribal roll of 1880; that said principal applicants left the Cherokee Nation about the year 1880, and since that time have continuously resided outside the domain of the Five Civilized Tribes, and have neither owned nor controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The evidence further shows that the minor applicants, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, Ida, Frank, Eva and Cap Bruce, Charlie Washington and John Suter, the children of Martha Susan Suter, names unknown, Arthur, Levi, Devere and Lucinda Copeland, are children of the said principal applicants, George W. Ward, Kisira Elvira Bruce, Louvinia Suter, Martha Susan Suter, and Cordelia Copeland, were born since 1880, and possess no rights to enrollment not possessed by their said parents.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devere Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary K. Ward , are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.



COMMISSIONER

Dated at Muskogee, Indian Territory,

this _____

Cherokee D-1794,

COPY.

Muskogee, Indian Territory, July 27, 1905.

Mrs. John Holland,

Foyil, Indian Territory.

Dear Madam:

On July 1, 1902, one George Ward, whose name is identified on the 1880 Cherokee tribal roll, Flint district, and whose age at that time is given as thirty-six years, was listed for enrollment from information by the Commission to the Five Civilized Tribes, and his name placed upon a doubtful card. This office is advised that George Ward is your brother, and you are requested to advise this office whether or not he is living at this time, and, if so, to advise his present postoffice address and such other evidence as will enable this office to determine whether or not he is entitled to enrollment as a citizen of the Cherokee Nation.

Respectfully,

SIGNED *Tams*
Commissioner.

Cherokee D-1794.

COPY.

Muskogee, Indian Territory, August 5, 1905.

Mary E. Holland,

Poyil, Indian Territory.

Dear Madam:

This office is in receipt of your letter of July 30, giving information relative to the whereabouts of your brother, George Ward, who is an applicant before this office for enrollment as a citizen of the Cherokee Nation.

For your information there is inclosed herewith a copy of a letter addressed to him at his last known postoffice Green Brier, Tennessee. If you gain any knowledge as to his change in postoffice, or secure any other information in regard to his whereabouts, you are requested to so advise this office.

The letter from your brother, dated July 30, 1899, is returned you herewith.

Respectfully,

SIGNED *Tame Einar*

Commissioner.

LS
Incl. S-2

Cherokee D-1794.

COPY.

Muskogee, Indian Territory, August 7, 1905.

George Ward,

Green Brier,

Robertson County, Tennessee.

Dear Sir:

You are advised that one George Ward, whose name is identified on the 1880 authenticated roll of citizens of the Cherokee Nation, Flint district, and whose age at that time is given as thirty-six years, has been listed for enrollment from information as a citizen of the Cherokee Nation. This office is just in receipt of a letter from Mrs. Mary E. Holland of Foyil, Indian Territory, from which it appears that you are her brother, and the person above referred to.

In order to determine your right to enrollment as a citizen of the Cherokee Nation it will be necessary that further evidence be introduced as to your residence in the Cherokee Nation, and whether or not you have retained property interests in the Cherokee Nation after your removal therefrom. It is desired that you appear before this office, if possible, for the purpose of giving further testimony in your case.

If it is impracticable for you to appear in person you are requested to advise this office when you left the Cherokee Nation and whether or not you have identified yourself in any way with the Cherokee Nation since you left, and if so, whether you have retained any property interests of any kind in said Nation.

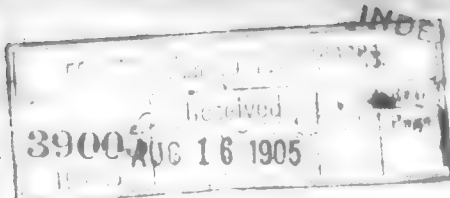
As this matter is important you are directed to give it your immediate attention.

Respectfully,

Jame Sixby.
SIGNED: *Jame Sixby*

Commissioner.

LS



Ward, George,
Whiting, Mo.,
Aug. 14, 1905.

Relative to his
right to enroll-
ment in the Cherokee
Nation.

ENROLLMENT.

Cher D 1794

THE
WARD LUMBER COMPANY,

HARDWOODS.

CHICAGO OFFICE
CHAMBER COMMERCE BLDG
TELEPHONE MAIN 1730

CABLE ADDRESS, "HARDWOOD"
"A B C" AND DIRECTORY CODES

BAND SAW MILLS.
WHITING, MISSOURI.
ROSEDALE, MISSISSIPPI.
ARNOLD, MISSISSIPPI.

Whiting, Miss. Co., Mo.

Aug. 14, 1906.

Wm. O. Beall, Acting Com.

Muscogee, I, T.

Dear Sir :-

Referring to your favor of Aug. 7th., addressed to me at Green Brier, Robinson Co., Tenn., your No. Cherokee D 1794, as you require further evidence of my right to enrollment as a citizen of the Cherokee nation I refer you to Sam Bigby and Newton Dire in Flint district, Stillwell P. O. I left this place in 1880 leaving there leaving improvements which I had bought from John Barepaw consisting of a quarter section of land about 7 acres of which were improved and house and out buildings. This property still belongs to me and I left it in charge of my brother-in-law John Hollan. On leaving the Cherokee nation I went to Sumner Co., Tenn., near Gallatin where I lived 10 years and from there moved to Green Brier, Robinson County, coming from there to this place where I have since resided. Trusting this information may prove satisfactory and that I will again hear from you,

I remain yours truly,

his
Geo. Ward
mark

Witness to signature

W. O. Beall
Sept 10, 1906.
J. W. Beall

(COPY)

Cher 21794

July the 1899
30

Green Brier Tenn

My Dear Brothers and sisters

It is with pleasure that I seat my self to drop you all a few lines once more in life to let you all know that I am still in the land of living and hope you all are the same and I want you all to right to me and tell me how you all are getting along it has been so long since I have herd from any of you all and I want you all to right and tell me who of you all is living and who is dead I know there is some one of you all dead for it has ben 18 years since I have herd from any of you all and I want you all to wright and tell me if you all know any thing about Charles rout Ward I have not herd from him in about 9 years and he come to tennessee and married and went back out that way some where and has not ben back out here and that has ben about 14 years ago and I want to know if you all ne any thing about him if you do tell him to right to me and you right and tell me if you do Well I have got a large family I have got 8 boys and all the girls and one boy married but none of them aint with me the one boy he is still living with me but all the girls is living close to me but one and she lives about 75 miles from me but I here from her very often she was the baby girl when I left there Cordelia Well I want to see you all but I know that I never will for we are all to far a part but if we cant meet and see

one another on earth we can in heaven i hope Well i will
not wright much this time untill i here from you all and then
i will right more and i want you all to right just as soon
as you get this and let me here from you all for i do want
to here from all of you not only brothers and sisters but all
that is living Well good by
from George Ward

Address your letter to

Green Brier

Robertson Co

Tennessee

Cherokee
D 1794

COPY.

Muskogee, Indian Territory, August 26, 1905

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In connection with the application for the enrollment of George Ward as a citizen by blood of the Cherokee Nation, you are advised that before a decision can be rendered in this case it will be necessary that further testimony be introduced relative to his rights to enrollment.

George Ward has, therefore, this day been notified to appear before this office at nine o'clock A.M., on Thursday, September 7, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as you may desire.

There is inclosed herewith for your information a copy of a letter received from George Ward dated August 14, 1905.

Respectfully,

SIGNED

Jama Dixey

Commissioner

Incl. S-115
LMB

COPY

Cherokee
D 1794

Muskogee, Indian Territory, August 26, 1905

George Ward,

Whiting, Missouri.

Dear Sir:

In connection with the application for your enrollment as a citizen of the Cherokee Nation, you are advised that before your right to enrollment can be finally determined, it will be necessary that further testimony be introduced relative to your rights to enrollment.

You are, therefore, hereby notified to appear before this office at nine o'clock A.M., on Thursday, September 7, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

(SIGNED).

James Dixon
Commissioner

Register
LMB

COPY

Muskogee, Indian Territory, September 16, 1905.

G. W. Ward,

Whiting, Missouri,

Dear Sir:

This office is in receipt of your letter of August 31, stating that you will be unable to appear before this office for the purpose of giving testimony in connection with the application made for your enrollment as a citizen of the Cherokee Nation, but that you will appear as soon as you possibly can.

In reply you are advised that if you are entitled to enrollment as a citizen of the Cherokee Nation it is of the utmost importance to you that you be enrolled at the earliest practicable date, and you should, therefore, appear before the offices of the Commissioner to the Five Civilized Tribes at the earliest possible date, in order that the application for your enrollment may be perfected.

Respectfully,

W. M. B. B.

Acting Commissioner.

Muskogee, Indian Territory, January 28, 1906.

G. W. Ward,

Whiting, Missouri.

Dear Sir:

In reply to your letter of January 21, 1906, you are requested to have returned to this office the letters addressed to the members of your family in your care and which you state you are unable to deliver.

Respectfully,

GHL

Acting Commissioner.

Cherokee D-1794.

Muskogee, Indian Territory, February 7, 1906.

Rachel L. Ward,
Whiting, Missouri.

Dear Madam:

This office is in receipt of your letter of January 31, asking to be advised "how much land is out there a head for my children, and is there any money for them".

In reply you are advised that on December 27, 1905, there was forwarded to your husband, George W. Ward, a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the application for his enrollment and the enrollment of your minor children as citizens by blood of the Cherokee nation. The decision, together with the record of proceedings had in said case, was, on that date, forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary of the Interior will be made known to you as soon as this office is informed of the same.

You are advised that the Cherokee Agreement, proclaimed August 12, 1902, provides that no person whose name does not appear on the roll prepared by the Commission to the Five Civilized Tribes shall be permitted to, in any manner, participate in the distribution of the common property of the Cherokee tribe.

You are further advised that until the name of an applicant for enrollment as a citizen of the Cherokee Nation shall have been included in a schedule of citizens of that Nation and approved by the Secretary of the Interior, he cannot be permitted to make application for the selection of an allotment of land in the Cherokee Nation.

Respectfully,

LS

Acting Commissioner.

-COPY-

DEPARTMENT OF THE INTERIOR,

Y.P.

D.C. 22791

WASHINGTON.

YHL.

I.T.D. 2264-1906.

L.R.S.

June 1, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including your decision of the same date, denying the applications of George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Fisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devere Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary E. Ward.

Reporting May 25, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Jesse M. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND;
126-1906.

May 28, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee citizens by George W. Ward for himself and his children, Eddie Thomas, Joe Miller, John Tindal, Charles Jackson, Sam, Martin Jerome, and Harry Levi Ward; by Kixira Elvira Bruce for herself and her children, Ida, Frank, Eva, and Gay Bruce; of Louvinia Suter for herself and her children, Charlie Washington, and John Suter; by Martha Susan Suter for herself and her children, names unknown; by Cordelia Copeland for herself and her children, Arthur, Levi, Devere, and Lucinda Copeland; and by George, Charles E., Martha Catherine, Lou Anna, Elmer J., Charles, E. J., and Mary E. Ward for themselves.

December 27, 1905 the Commissioner decided adversely to all the applicants.

The record shows that all of the applicants are Cherokees by blood, and that the principal applicants, George W. Ward, Kixira Elvira Bruce, Louvinia Suter, Martha Susan Suter,

Cordelia Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward are identified on the 1886 Cherokee authenticated tribal roll; that they left the Cherokee Nation about the year 1880, and since that time have continuously resided outside of the Indian Territory, and have neither owned nor controlled any property in the Cherokee Nation. The record further shows that the minor applicants are children of the principal applicants, were born since 1880, and possess no rights to enrollment not possessed by the said principal applicants.

In view of the record and of Sec. 21 of the act of June 28, 1898 (30 Stats., 498) the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MX
C

Cherokee
D 1794

Muskogee, Indian Territory, June 13, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the applications for the enrollment of George W. Ward et al, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-32
MMF

Cherokee
D 1784

Muskogee, Indian Territory, June 13, 1906.

George W. Ward,
Whiting, Missouri.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting among others, the application for the enrollment of yourself and children, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. P-25
MMP

Cherokee
D-1794

Muskogee, Indian Territory, December 27, 1905.

George W. Ward,
Whiting, Missouri.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, the application for the enrollment of yourself and your children, Eddie Thomas, Joe Miller, John Hiedel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, as citizens by blood of the Cherokee Nation. There is also inclosed a copy of the record of proceedings had in your case.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl B-61

Register.

Cherokee
D-1794, et al.

Muskogee, Indian Territory, December 27, 1905.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the applications for the enrollment of the applicants embraced in the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of George W. Ward, et al.; Cherokee D. 1794, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl. B-75

Muskogee, Indian Territory, December 27, 1905

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision rejecting the applications for the enrollment of George W. Ward and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, of Kisira Elvira Bruce and her children, Ida, Frank, Eva and Cap Bruce, of Louvinia Guter and her children, Charlie Washington and John Guter, of Martha Susan Guter and her children, names unknown, of Cordelia Copeland and her children, Arthur, Levi, Devers and Lucinda Copeland, and of George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary R. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Encl. B-76

Commissioner

Through the

Commissioner of Indian Affairs,

Cher R 1004

Cher R 1004

R
Cher B 1739

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

Q What is your name? A. Emmet Starr.
Q What is your age? A. Thirty one years.
Q What is your post office address? A. Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1890
Cherokee roll, their families and their descendants:

S. R. Ward, page 400, § 1407, Flint District;
Note: "Lost Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[Signature]
Notary Public.

transmitted and shall be placed in this day of January, 1905.

Witness my hand and seal of office at the City of New York, this 4th day of January, 1905.

Notary Public for the State of New York
G. W. Kelly, Notary Public for the State of New York

RECEIVED
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 4 1905

Witness my hand and seal of office at the City of New York, this 4th day of January, 1905.

Witness my hand and seal of office at the City of New York, this 4th day of January, 1905.

Witness my hand and seal of office at the City of New York, this 4th day of January, 1905.

Witness my hand and seal of office at the City of New York, this 4th day of January, 1905.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUNDOGEE, I. T., OCTOBER 19, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GEORGE VARD ET AL., as citizens by blood of the Cherokee Nation.

GEORGE V. VARD, being first duly sworn, testified as follows:

Q: EXHIBIT OF THE COMMISSIONER:

- Q: What is your name? A: George Vard, C. V. Vard is the way I sign my name.
- Q: George W. Vard? A: Yes sir.
- Q: How old are you? A: 62 the first day of last January.
- Q: What is your post office address? A: Whiting, Missouri, Mississippi County.
- Q: Are you a Cherokee by blood? A: Yes sir.
- Q: What degree of Cherokee blood have you? A: About 1/4.
- Q: What is the name of your father? A: Charles Vard.
- Q: Is he living? A: No sir, dead, died in '51.
- Q: Was he a Cherokee? A: Yes sir.
- Q: What is the name of your mother? A: Her name was Bensley before she married, Vira Bensley.
- Q: She is dead? A: Yes sir.
- Q: Was she a Cherokee? A: No sir.
- Q: Have you some children? A: Yes sir.
- Q: What are their names? A: The oldest one is Vicira Elvira Vard.
- Q: How old is she? A: About 35 years old I think, to the best of my recollection.
- Q: Is she living? A: Yes sir.
- Q: I find on the roll of 1836 following the name of Rachel L. Vard, the name of a child 10 years old at that time, C. V. Vard?
- A: That was "Izzie."
- Q: You state she is living? A: Yes sir, living in Tennessee.
- Q: Is her mother a white woman? A: Yes sir, her mother is.
- Q: What was her name? A: Her name was Margaret Pinion before I married her.
- Q: Is she dead? A: Yes sir, she is dead.
- Q: And you are the father of "Izzie"? A: Yes sir.
- Q: Is the name of your next child Ick? A: Louvinia.
- Q: Is she about 32 years of age now? A: Something right about that, I don't remember the exact age of them.
- Q: What is the name of her mother? A: Same as the other, Margaret Pinion.
- Q: Is your next child "Ick"? A: Martha Susan.
- Q: Is she about 31 years of age? A: Yes sir.
- Q: What is the name of her mother? A: The same name.
- Q: Is the name of the next child Cordelia? A: Yes sir.
- Q: Is she living? A: Yes sir.
- Q: What is the name of her mother? A: Rachel Hicks before I married her.
- Q: Is her full name Rachel L. Hicks? A: Yes sir.
- Q: Her name is Vard now? A: Yes sir.

- Q Is she a white woman? A Well, I don't know, I got her way back in the mountains there in the old Nation and she shows up to be an Indian, but she was raised an orphan and doesn't know, and I don't know. She doesn't claim to be at all.
- Q Is your next child George Ward? A Yes sir.
- Q Is he living? A Yes sir.
- Q What is the name of his mother? A Rachel Ward.
- Q Have you any more children? A Yes sir, got 7 more.
- Q Give the name of your next oldest one? A Eddie Thomas.
- Q How old is he? A He is 2 years old.
- Q What is the name of his mother? A Rachel L. Ward.
- Q Your next child? A Joe Miller.
- Q Is he living? A Yes sir.
- Q How old is he? A About 21, he may be 22.
- Q The name of his mother the same? A Yes sir.
- Q The next child? A John Tiedel.
- Q Is he living? A Yes sir.
- Q How old is he? A He is 18.
- Q His mother the same? A Yes sir.
- Q The next child? A Charles Jackson.
- Q His age? A He is 14.
- Q His mother the same? A Yes sir.
- Q The next child? A Sam.
- Q Is he living? A Yes sir.
- Q His age? A He is 2 1/2 years younger than Charlie, make him about 11 1/2.
- Q His mother the same? A Yes sir.
- Q The next child? A Martin Jerome.
- Q How old is he? A He is 6 years old.
- Q Is he living? A Yes sir.
- Q Has he the same mother? A Yes sir.
- Q The next child? A Harry Javi.
- Q Is he living? A Yes sir.
- Q His age? A 6 years old.
- Q Has he the same mother? A Yes sir.
- Q The next child? A That is all, that winds them up.
- Q Did you at one time live in the Cherokee Nation? A Yes sir.
- Q When did you come to the Cherokee Nation first? A I came in there about '76.
- Q Then how long did you live there? A Until '86, the very last month of '86.
- Q Then where did you go? A I went from there to west Tennessee. I started to go to Eureka Springs, Arkansas, started for the health of my wife and children, I started out and got so rambling and we went to west Tennessee before I stopped.
- Q How long did you live in west Tennessee? A Two years.
- Q Then where did you go? A From there up near Nashville, Tenn.
- Q How long did you live there? A 10 years.
- Q Then where did you go? A I went from there to Chattanooga, in east Tennessee.
- Q How long did you stay there? A Just a year.
- Q Then where did you go? A Come back to Sumner County, Tennessee.
- Q How long did you stay in that county? A Until 3 years ago.
- Q Then where did you go? A I come to Mississippi County, Missouri.
- Q Have you been living there continuously since then? A Yes sir, three years.

- Q You never have returned to the Cherokee Nation since you left in 1834? A Not until now.
- Q Did you ever own a farm in the Cherokee Nation? A I bought some improvements from John Bearpaw and Jack Hawk, just the improvements when I bought it, about seven acres of the land cleared. They allowed me land around the place about a quarter of a mile. That is the way it was.
- Q How long did you keep that place, that claim? A During all the time I was out here in the Territory.
- Q When you left did you dispose of it? A No sir, just left it standing there.
- Q Just abandoned it? A Yes sir.
- Q Since that time have you ever owned any property in the Cherokee Nation? A No sir.
- Q Never owned any of any kind? A Not a thing.
- Q Never have identified yourself in any way with the Cherokee Nation since you left? A No sir.
- Q Your wife Rachel seems to be on the roll of 1834 with you as an adopted white, that is the mother of these children is it? A Yes sir.
- Q When were you and she married? A We were married in '75. My first wife, me and her was married a long while, she just lived nine years, then I lived alone by myself with those three first children for about a year and eleven months, then me and this woman was married that I have got now.
- Q Has her residence been the same as yours ever since you married? A Yes sir, just the same.
- Q Now your children, Fizzia Elvira, Louvinia, Martha Susan, Cordelia, and George, where have they lived since you left the Cherokee Nation? A The most of the time with me until they all married off. Fizzia, she has been living in Sumner County since I went there. Louvinia lives in Robinson County, Martha Susan in Robinson County, Cordelia in Daniels County but not long, she came to Mississippi County, Missouri, before I did.
- Q Were all these children born before you left the Cherokee Nation in 1834? A Yes sir.
- Q And they lived with you until they were grown and married? A Yes sir.
- Q Have any of them returned to the Cherokee Nation? A Not that I know of. I was expecting one of my daughters to be here today.
- Q Now have any of your children, this older set of children, ever owned any property interest in the Cherokee Nation? A No sir.
- Q They never have identified themselves with the Cherokee Nation in any way since you left? A No sir.
- Q Where was your child, Eddie Thomas, born? A In Murray County, Tennessee, I stepped in west Tennessee put near two years, he was born October 11, after I left here in 1834.
- Q Now all of these other children younger than Eddie were born after you left the Cherokee Nation? A Yes sir, he was born on the road as I went from the Cherokee Nation.
- Q Never have any of them been in the Cherokee Nation? A No sir.
- Q Has their residence been the same as yours? A Yes sir, and is until this time.
- Q Have you ever drawn any money from the Cherokee Nation? A Yes sir, I drew some in '37.
- Q Bread payment? A Yes sir.
- Q Have you, since you left the Cherokee Nation, drawn any money? A No sir.

- Q Your oldest child, Kizaira Elvira, she is married, is she? A Yes sir, she is a widow now though.
- Q What is the name of her husband? A William Bruce.
- Q He is a non-citizen? A Yes sir.
- Q When were they married? A They were married, I disremember but it was along,-- she was about 17 years old when they were married.
- Q Has she any children? A Yes sir.
- Q How many? A Five.
- Q What is the name of her eldest child, do you know? A Yes sir, her name is, I just can't remember it now,-- it is Ida.
- Q Is Bruce? A Yes sir.
- Q How old is that child? A About 10 years old.
- Q Is she living? A Yes sir.
- Q Is William Bruce dead? A Yes sir.
- Q What is the name of her next child? A Her next child was named Frank.
- Q How old is he? A He is about 9 I reckon.
- Q Is he living? A Yes sir.
- Q Father named William Bruce? A Yes sir.
- Q The next child? A Eva.
- Q Is she living? A Yes sir.
- Q How old is she? A About 6 or 7 years old, along there somewhere, she is 6 now.
- Q Father William Bruce? A Yes sir.
- Q What is the name of the next child? A No, I don't know, they always called him Cap.
- Q Is he living? A Yes sir.
- Q How old is he? A Just about a year and 16 months younger than that other one.
- Q What is the name of the last child? A Essie.
- Q How old is she? A She is about 2 1/2 years old now.
- Q She was born after September 1, 1902? A Yes sir.
- Q Now Louvina, is she married? A Yes sir.
- Q What is the name of her husband? A Charlie Suter.
- Q He is a non-citizen? A Yes sir.
- Q When were they married? A They were married about, I think they were married in '85, she was married a long time before Kizaira.
- Q Have they some children? A Two, yes sir.
- Q What is the name of the eldest child? A Charlie Washington.
- Q Is he living? A Yes sir.
- Q How old is he? A 15 years old.
- Q Charlie Suter living? A Yes sir.
- Q Their next child? A John.
- Q How old is John? A He is about 13 years old.
- Q Is he living? A Yes sir.
- Q Father Charlie Suter? A Yes sir.
- Q That is all the children they have? A Yes sir, that is all, just two.
- Q Your child Martha Susan, is she married? A His name is Bob Suter, the same name as that other one.
- Q He is a non-citizen? A Yes sir.
- Q When were they married? A They were married in, I think it was about '90.
- Q Have they any children? A Yes sir, they have a whole house full of them, I don't know as I can tell all their names.
- Q You can't know their names? A No sir, I don't know their names.

- Q Your daughter Cordelia, is she married? A Yes sir, been married twice.
- Q What was the name of her husband? A Sam,--S. W. Copeland.
- Q What is the name of her present husband? A Charlie Steward.
- Q When did she marry him? A About two years ago.
- Q How prior to her marriage to him, what was the name of her husband? A His name was Copeland.
- Q First name? A S. W., Sam Copeland.
- Q Was he a non-citizen? A Yes sir.
- Q Now has your daughter some children? A Yes sir, four.
- Q What are their names, the oldest one? A Arthur.
- Q Arthur Copeland? A Yes sir.
- Q How old is he? A He is 10 or 11 years old.
- Q He is living? A Yes sir.
- Q S. W. Copeland living? A No sir, he is dead.
- Q What is the name of her next child? A Levi Copeland.
- Q How old is Levi? A He is 9 years old.
- Q Levi and Arthur both living? A Yes sir.
- Q The next child? A Devere.
- Q How old is he? A He is 7 years old, just shedding his bread teeth.
- Q He is living? A Yes sir.
- Q A son? A Yes sir.
- Q The next child? A Lucinda.
- Q Is she living? A Yes sir.
- Q How old? A Three years old.
- Q Do you know when she was born? A No sir, not exact, she was born about a year before Steward and my daughter was married. She never has seen her father.
- Q Do you know whether she is three or over three? A She may be a little over three, I don't know, I couldn't just give the correct age of her at all, but then it is something just along about three years old. This other bunch of children I failed to give you the names of, I will get those named and send them in to you.
- Q That last child is a child of S. W. Copeland? A Yes sir.
- Q Has George got any children? A Yes sir, just one.
- Q How old is it? A About a year and a half old.
- Q What is George's post office? A Whiting, Missouri.
- Q What is Cordelia's post office? A The same one, we all live there in a bunch.
- Q Her name is Steward? A Yes sir.
- Q Martha lives at Whiting? A No sir, she lives at Greenbrier, Robinson County, Tennessee.
- Q Louvinia? A She lives at the same post office, Greenbrier.
- Q And Lizzie? A Goodlettsville, Davidson County, Tennessee.
- Q Now none of your grand children by your first set of children were born in the Cherokee Nation? A No sir.

- Q And none of them have ever been in the Cherokee Nation? A Never have.
- Q You, nor none of your children or grand children own any property whatever in the Cherokee Nation? A None at all.

Copies of this testimony will be filed with and made a part of the record in the following Cherokee Doubtful Enrollment cases:

Cherokee D-1794
Cherokee D 1795
Cherokee D 1796
Cherokee D 1797
Cherokee D 1798
Cherokee D 1799
Cherokee D 1800

-----COO-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 23rd day of October, 1905.

Edward Morris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
George W. Ward et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

George W. Ward,	Cherokee D 1794
Kisira Elvira Bruce	" D 1796
Louvinia Suter	" D 1797
Martha Susan Suter	" D 1798
Cordelia Copeland	" D 1799
George Ward	" D 1800
Charles R. Ward	" D 1802
Martha Catherine Ward	" D 1807
Leo Anna Ward	" D 1806
Eler J. Ward	" D 1808
Charles Ward	" D 1809
E. J. Ward	" D 1803
Mary E. Ward	" D 1804.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made applications for the enrollment of George W. Ward, C. R. Ward, Leo Ward, Mat B. Ward, Cordelia Ward, George Ward, Chas. R. Ward, Mat C. Ward, Leo A. Ward, Eler J. Ward, Chas. Ward, E. J. Ward and Mary E. Ward, their families and descendants, as citizens of the Cherokee Nation. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, July 18, and October 19, 1905, in which it is shown that the application for the enrollment of George W. Ward included himself and his children, Eddie Thomas, Joe Miller, John Tisdal, Charles Jackson, Sam, Martin Jerome

and Harry Levi Ward; that the correct name of the applicant C. E. Ward on September 1, 1902, was Kizira Elvira Bruce, and she will now be listed for enrollment as Kizira Elvira Bruce; that the application for the enrollment of Kizira Elvira Bruce included herself and her children, Ida, Frank, Eva and Cap Bruce; that the correct name of the applicant Loo Ward, on September 1, 1902, was Louvinia Suter, and she will now be listed for enrollment as Louvinia Suter; that the application for the enrollment of Louvinia Suter included herself and her children, Charlie Washington and John Suter; that the correct name of the applicant Mat S. Ward on September 1, 1902, was Martha Susan Suter, and she will now be listed for enrollment as Martha Susan Suter; that the application for the enrollment of Martha Susan Suter included herself and her children, names unknown; that the correct name of the applicant Cordelia Ward on September 1, 1902, was Cordelia Copeland, and she will now be listed for enrollment as Cordelia Copeland; that the application for the enrollment of Cordelia Copeland included herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; that the correct name of the applicant Mat C. Ward is Martha Catherine Ward, and she will now be listed for enrollment as Martha Catherine Ward.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood, and that the principal applicants, George W. Ward, as George Ward, Kizira Elvira Bruce, as C. E. Ward, Louvinia Suter, as Loo Ward, Martha Susan Suter, as Mat S. Ward, Cordelia Copeland, as Cordelia Ward, George Ward, Charles R. Ward, as Chas. R. Ward, Martha Catherine Ward, as Mat C. Ward, Loo Anna Ward, as Loo A. Ward, Elor J. Ward, Charles Ward, as Chas. Ward, E. J. Ward, and Mary E. Ward, are identified on the Cherokee authenticated tribal roll of 1880; that said principal applicants left the Cherokee Nation about the year 1880, and since that time have continuously resided outside the domain of the Five Civilized Tribes, and have neither owned nor controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The evidence further shows that the minor applicants, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, Ida, Frank, Eva and Cap Bruce, Charlie Washington and John Suter, the children of Martha Susan Suter, names unknown, Arthur, Levi, Devore and Lucinda Copeland, are children of the said principal applicants, George W. Ward, Kizira Elvira Bruce, Louvinia Suter, Martha Susan Suter, and Cordelia Copeland, were born since 1880, and possess no rights to enrollment not possessed by their said parents.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kisira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Eler J. Ward, Charles Ward, E. J. Ward and Mary E. Ward, are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby.

Dated at Muskogee, Indian Territory,

this Dec 27 1905.

Cherokee
D-1796

Muskogee, Indian Territory, December 27, 1905.

Miss Mivra Bruce,
Goodlettsville, Tennessee,

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, the application for the enrollment of yourself and your minor children, Ida, Frank, Eva and Cap Bruce, as citizens by blood of the Cherokee Nation. There is also inclosed a copy of the record of proceedings had in your case.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl B-62

Register.

Muskogee, Indian Territory, December 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision rejecting the applications for the enrollment of George W. Ward and his children, Eddie Thomas, Joe Miller, John Tiadel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, of Kizira Elvira Bruce and her children, Ida, Frank, Eva and Cap Bruce, of Louvinia Suter and her children, Charlie Washington and John Suter, of Martha Susan Suter and her children, names unknown, of Cordelia Copeland and children, Arthur, Levi, Devere and Lucinda Copeland, and of George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Eler J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

(Signed) Tams Birby,
Commissioner.

Incl B-76

Through the

Commissioner of Indian Affairs.

Cherokee
D-1794, et al.

Muskogee, Indian Territory, December 27, 1908.

V. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1908, rejecting the applications for the enrollment of the applicants embraced in the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of George W. Ward, et al., Cherokee D. 1794, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl. D-75

-COPY-

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.P.

D.C. 22791
I.T.D. 2864-1906.

FHE.

L.R.S.

June 1, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

SIR:

December 27, 1905, you transmitted the record in the matter of the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including your decision of the same date, denying the applications of George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Fisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kishra Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Leuvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devere Copeland, Lucinda Copeland, George Ward, Charles B. Ward, Martha Catherine Ward, Loo Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary E. Ward.

Reporting May 25, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Jesse M. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

LAND
136-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee citizens by George W. Ward for himself and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome, and Harry Levi Ward; by Kizira Elvira Bruce for herself and her children, Ida, Frank, Eva, and Cap Bruce; of Louvinia Suter for herself and her children, Charlie Washington and John Suter; by Martha Susan Suter for herself and her children, names unknown; by Cordelia Copeland for herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; and by George, Charles R., Martha Catherine, Lou Anna, Elmer J., Charles, E. J., and Mary B. Ward for themselves.

December 27, 1905 the Commissioner decided adversely to all the applicants.

The record shows that all of the applicants are Cherokees by blood, and that the principal applicants, George W. Ward, Kizira Elvira Bruce, Louvinia Suter, Martha Susan Suter,

Gordelia Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward are identified on the 1880 Cherokee authenticated tribal roll; that they left the Cherokee Nation about the year 1880, and since that time have continuously resided outside of the Indian Territory, and have neither owned nor controlled any property in the Cherokee Nation. The record further shows that the minor applicants are children of the principal applicants, were born since 1880, and possess no rights to enrollment not possessed by the said principal applicants.

In view of the record and of Sec. 21 of the act of June 28, 1898 (30 Stats., 495) the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMH
C

Cherokee
D 1796

COPY.

Muskogee, Indian Territory, June 13, 1906.

Kisira Elvira Bruce,
Seedlettsville, Tennessee.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting among others, the application for the enrollment of yourself and children as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, June 1, 1906.

Respectfully,

[SIGNED]

Tams Birby.
Commissioner.

MMP

COPY.

Cherokee

D 1704

Muskogee, Indian Territory, June 13, 1906.

W. V. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the applications for the enrollment of George W. Ward et al, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED

James Bixby.

Commissioner.

Incl. P-32
MBP

Cher R 1005

Trans from Cher D 1797

Cher R 1005

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Q Are there any other persons for whom you desire to make appli-
cation for enrollment?

A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

Lee Ward, page 200, § 1200, Flint District;
Note: "Left Nation live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[Signature]
Notary Public.

REPORT
1911

...and ... before ...

1911

...and ... before ...

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 24 1902

...and ... before ...

...and ... before ...

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., OCTOBER 19, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GEORGE WARD ET AL., as citizens by blood of the Cherokee Nation.

GEORGE W. WARD, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A George Ward, G. W. Ward is the way I sign my name.
- Q George W. Ward? A Yes sir.
- Q How old are you? A 62 the first day of last January.
- Q What is your post office address? A Whiting, Missouri, "Mississippi County."
- Q Are you a Cherokee by blood? A Yes sir.
- Q What degree of Cherokee blood have you? A About 1/4
- Q What is the name of your father? A Charles Ward.
- Q Is he living? A No sir, dead, died in '61.
- Q Was he a Cherokee? A Yes sir.
- Q What is the name of your mother? A Her name was Nehalem before she married, Vira Wensley.
- Q She is dead? A Yes sir.
- Q Was she a Cherokee? A No sir.
- Q Have you some children? A Yes sir.
- Q What are their names? A The oldest one is Fidora Elvira Ward
- Q How old is she? A About 35 years old I think, at the best of my recollection.
- Q Is she living? A Yes sir.
- Q I find on the roll of 1830 following the name of Rachel L. Ward, the name of a child 10 years old at that time, G. W. Ward?
- Q That was Fizzie?
- Q You state she is living? A Yes sir, living in Tennessee.
- Q Is her mother a white woman? A Yes sir, her mother is.
- Q What was her name? A Her name was Margaret Pinion before I married her.
- Q Is she dead? A Yes sir, she is dead.
- Q And you are the father of Fizzie? A Yes sir.
- Q Is the name of your next child Joe? A Louvinia.
- Q Is she about 32 years of age now? A Something right about that, I don't remember the exact age of them.
- Q What is the name of her mother? A Same as the other, Margaret Pinion.
- Q Is your next child Mat S. ? A Martha Susan.
- Q Is she about 31 years of age? A Yes sir.
- Q What is the name of her mother? A The same name.
- Q Is the name of the next child Cordelia? A Yes sir.
- Q Is she living? A Yes sir.
- Q What is the name of her mother? A Rachel Hicks before I married her.
- Q Is her full name Rachel L. Hicks? A Yes sir.
- Q Her name is Ward now? A Yes sir.

- Q Is she a white woman? A Well, I don't know, I got her way back in the mountains there in the old Nation and she shows up to be an Indian, but she was raised an orphan and doesn't know, and I don't know. She doesn't claim to be at all.
- Q Is your next child George Ward? A Yes sir.
- Q Is he living? A Yes sir.
- Q What is the name of his mother? A Rachel Ward.
- Q Have you any more children? A Yes sir, got 7 more.
- Q Give the name of your next oldest one? A Eddie Thomas.
- Q How old is he? A He is 20 years old.
- Q What is the name of his mother? A Rachel L. Ward.
- Q Your next child? A Joe Miller.
- Q Is he living? A Yes sir.
- Q How old is he? A About 21, he may be 22.
- Q The name of his mother the same? A Yes sir.
- Q The next child? A John Tisdell.
- Q Is he living? A Yes sir.
- Q How old is he? A He is 18.
- Q His mother the same? A Yes sir.
- Q The next child? A Charles Jackson.
- Q His age? A He is 14.
- Q His mother the same? A Yes sir.
- Q The next child? A Sam.
- Q Is he living? A Yes sir.
- Q His age? A He is 2 1/2 years younger than Charlie, make him about 11 1/2.
- Q His mother the same? A Yes sir.
- Q The next child? A Martin Jerome.
- Q How old is he? A He is 8 years old.
- Q Is he living? A Yes sir.
- Q Has he the same mother? A Yes sir.
- Q The next child? A Harry Levi.
- Q Is he living? A Yes sir.
- Q His age? A 6 years old.
- Q Has he the same mother? A Yes sir.
- Q The next child? A That is all, that winds them up.
- Q Did you at one time live in the Cherokee Nation? A Yes sir.
- Q When did you come to the Cherokee Nation first? A I came in there about '76.
- Q Then how long did you live there? A Until '86, the very last month of '86.
- Q Then where did you go? A I went from there to west Tennessee. I started to go to Eureka Springs, Arkansas, started for the health of my wife and children, I started out and got to rail line and we went to west Tennessee before I stopped.
- Q How long did you live in west Tennessee? A Two years.
- Q Then where did you go? A From there up near Nashville, Tenn.
- Q How long did you live there? A 10 years.
- Q Then where did you go? A I went from there to Chattanooga, in east Tennessee.
- Q How long did you stay there? A Just a year.
- Q Then where did you go? A Come back to Sumner County, Tennessee.
- Q How long did you stay in that county? A Until 3 years ago.
- Q Then where did you go? A I come to Mississippi County, Missouri.
- Q Have you been living there continuously since then? A Yes sir, three years.

- Q You never have returned to the Cherokee Nation since you left in 1892? A Not until now.
- Q Did you ever own a farm in the Cherokee Nation? A I bought some improvements from John Bearpaw and Jack Hawk, just the improvements when I bought it, about seven acres of the land cleared. They allowed me land around the place about a quarter of a mile. That is the way it was.
- Q How long did you keep that place, that claim? A During all the time I was out here in the Territory.
- Q When you left did you dispose of it? A No sir, just left it standing there.
- Q Just abandoned it? A Yes sir.
- Q Since that time have you ever owned any property in the Cherokee Nation? A No sir.
- Q Never owned any of any kind? A Not a thing.
- Q Never have identified yourself in any way with the Cherokee Nation since you left? A No sir.
- Q Your wife Rachel seems to be on the roll of 1890 with you as an adopted white, that is the mother of these children is it? A Yes sir.
- Q When were you and she married? A We were married in '73. My first wife, me and her was married a long while, she just lived nine years, then I lived alone by myself with those three first children for about a year and eleven months, then me and this woman was married that I have got now.
- Q Has her residence been the same as yours ever since you married? A Yes sir, just the same.
- Q How your children, Kizzie Elvira, Louvinia, Martha Susan, Cordelia, and George, where have they lived since you left the Cherokee Nation? A The most of the time with me until they all married off. Kizzie, she has been living in Sumner County since I went there. Louvinia lives in Robinson County, Martha Susan in Robinson county, Cordelia in Daniels County but not long, she came to Mississippi County, Missouri, before I did.
- Q Were all these children born before you left the Cherokee Nation in 1890? A Yes sir.
- Q And they lived with you until they were grown and married? A Yes sir.
- Q Have any of them returned to the Cherokee Nation? A Not that I know of. I was expecting one of my daughters to be here today.
- Q Now have any of your children, this older set of children, ever owned any property interest in the Cherokee Nation? A No sir.
- Q They never have identified themselves with the Cherokee Nation in any way since you left? A No sir.
- Q Where was your child, Eddie Thomas, born? A In Murray County, Tennessee, I stopped in west Tennessee just near two years, he was born October 11, after I left here in 1890.
- Q Now all of these other children younger than Eddie were born after you left the Cherokee Nation? A Yes sir, he was born on the road as I went from the Cherokee Nation.
- Q Never have any of them been in the Cherokee Nation? A No sir.
- Q Has their residence been the same as yours? A Yes sir, and is until this time.
- Q Have you ever drawn any money from the Cherokee Nation? A Yes sir, I drew some in '90.
- Q Bread payment? A Yes sir.
- Q Have you, since you left the Cherokee Nation, drawn any money?

- Q Your oldest child, Kizzira Alvira, she is married, is she? A Yes sir, she is a widow now though.
- Q What is the name of her husband? A William Bruce.
- Q He is a non-citizen? A Yes sir.
- Q When were they married? A They were married, I disremember but it was along,-- she was about 17 years old when they were married.
- Q Has she any children? A Yes sir.
- Q How many? A Five.
- Q What is the name of her eldest child, do you know? A Yes sir, her name is, I just can't remember it now,-- it is Ida.
- Q Ida Bruce? A Yes sir.
- Q How old is that child? A About 10 years old.
- Q Is she living? A Yes sir.
- Q Is William Bruce dead? A Yes sir.
- Q What is the name of her next child? A Her next child was named Frank.
- Q How old is he? A He is about 9 I reckon.
- Q Is he living? A Yes sir.
- Q Father named William Bruce? A Yes sir.
- Q The next child? A Eva.
- Q Is she living? A Yes sir.
- Q How old is she? A About 6 or 7 years old, along there somewhere, she is 6 anyway.
- Q Father William Bruce? A Yes sir.
- Q What is the name of the next child? A He, I don't know, they always called him Cap.
- Q Is he living? A Yes sir.
- Q How old is he? A Just about a year and 10 months younger than that other one.
- Q What is the name of the last child? A Essie.
- Q How old is she? A She is about 2 1/2 years old now.
- Q She was born after September 1, 1902? A Yes sir.
- Q Now Louvinia, is she married? A Yes sir.
- Q What is the name of her husband? A Charlie Suter.
- Q He is a non-citizen? A Yes sir.
- Q When were they married? A They were married about, I think they were married in '85, she was married a long time before Kizzie.
- Q Have they some children? A Two, yes sir.
- Q What is the name of the eldest child? A Charlie Washington.
- Q Is he living? A Yes sir.
- Q How old is he? A 15 years old.
- Q Charlie Suter living? A Yes sir.
- Q Their next child? A John.
- Q How old is John? A He is about 15 years old.
- Q Is he living? A Yes sir.
- Q Father Charlie Suter? A Yes sir.
- Q That is all the children they have? A Yes sir, that is all, just two.
- Q Your child Martha Susan, is she married? A His name is Bob Suter, the same name as that other one.
- Q He is a non-citizen? A Yes sir.
- Q When were they married? A They were married in, I think it was about '90.
- Q Have they any children? A Yes sir, they have a whole house full of them, I don't know as I can tell all their names.
- Q You don't know their names? A No sir, I don't know their names.

- Q Your daughter Cordelia, is she married? A Yes sir, been married twice.
- Q What was the name of her husband? A Sam,--S. W. Copeland.
- Q What is the name of her present husband? A Charlie Steward.
- Q When did she marry him? A About two years ago.
- Q How prior to her marriage to him, what was the name of her husband? A His name was Copeland.
- Q First name? A S. W., Sam Copeland.
- Q Was he a non-citizen? A Yes sir.
- Q How has your daughter some children? A Yes sir, four.
- Q What are their names, the oldest one? A Arthur.
- Q Arthur Copeland? A Yes sir.
- Q How old is he? A He is 10 or 11 years old.
- Q He is living? A Yes sir.
- Q S. W. Copeland living? A No sir, he is dead.
- Q What is the name of her next child? A Levi Copeland.
- Q How old is Levi? A He is 9 years old.
- Q Levi and Arthur both living? A Yes sir.
- Q The next child? A Devere.
- Q How old is he? A He is 7 years old, just shedding his bread teeth.
- Q He is living? A Yes sir.
- Q A boy? A Yes sir.
- Q The next child? A Louinda.
- Q Is she living? A Yes sir.
- Q How old? A Three years old.
- Q Do you know when she was born? A No sir, not exact, she was born about a year before Steward and my daughter was married. She never has seen her father.
- Q Do you know whether she is three or over three? A She may be a little over three; I don't know, I couldn't just give the correct age of her at all, but then it is something just along about three years old. This other bunch of children I failed to give you the names of, I will get those named and send them in to you.
- Q That last child is a child of S. W. Copeland? A Yes sir.
- Q How George got any children? A Yes sir, just one.
- Q How old is it? A About a year and a half old.
- Q What is George's post office? A Whiting, Missouri.
- Q What is Cordelia's post office? A The same one, we all live there in a bunch.
- Q Her name is Steward? A Yes sir.
- Q Martha lives at Whiting? A No sir, she lives at Greenbrier, Robinson County, Tennessee.
- Q Louinda? A She lives at the same post office, Greenbrier.
- Q And Missie? A Goodlettsville, Davidson County, Tennessee.
- Q How many of your grand children by your first set of children were born in the Cherokee Nation? A No sir.

- Q And none of them have ever been in the Cherokee Nation? A Never have.
- Q You, nor none of your children or grand children own any property whatever in the Cherokee Nation? A None at all.

Copies of this testimony will be filed with and made a part of the record in the following Cherokee Doubtful Enrollment cases:

Cherokee D-1794
Cherokee D 1795
Cherokee D 1796
Cherokee D 1797
Cherokee D 1798
Cherokee D 1799
Cherokee D 1800

-----CO-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 23rd day of October, 1903.

Charles M. Wright
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George W. Ward et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

George W. Ward,	Cherokee D 1794
Kisira Elvira Bruce	" D 1796
Louvinia Suter	" D 1797
Martha Susan Suter	" D 1798
Cordelia Copeland	" D 1799
George Ward	" D 1800
Charles R. Ward	" D 1802
Martha Catherine Ward	" D 1807
Leo Anna Ward	" D 1806
Eler J. Ward	" D 1808
Charles Ward	" D 1809
E. J. Ward	" D 1803
Mary E. Ward	" D 1804.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made applications for the enrollment of George W. Ward, C. E. Ward, Leo Ward, Mat S. Ward, Cordelia Ward, George Ward, Chas. R. Ward, Mat C. Ward, Leo A. Ward, Eler J. Ward, Chas. Ward, E. J. Ward and Mary E. Ward, their families and descendants, as citizens of the Cherokee Nation. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, July 18, and October 19, 1905, in which it is shown that the application for the enrollment of George W. Ward included himself and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome

and Harry Levi Ward; that the correct name of the applicant C. E. Ward on September 1, 1902, was Kizira Elvira Bruce, and she will now be listed for enrollment as Kizira Elvira Bruce; that the application for the enrollment of Kizira Elvira Bruce included herself and her children, Ida, Frank, Eva and Cap Bruce; that the correct name of the applicant Loo Ward, on September 1, 1902, was Louvinia Suter, and she will now be listed for enrollment as Louvinia Suter; that the application for the enrollment of Louvinia Suter included herself and her children, Charlie Washington and John Suter; that the correct name of the applicant Mat S. Ward on September 1, 1902, was Martha Susan Suter, and she will now be listed for enrollment as Martha Susan Suter; that the application for the enrollment of Martha Susan Suter included herself and her children, names unknown; that the correct name of the applicant Cordelia Ward on September 1, 1902, was Cordelia Copeland, and she will now be listed for enrollment as Cordelia Copeland; that the application for the enrollment of Cordelia Copeland included herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; that the correct name of the applicant Mat C. Ward is Martha Catherine Ward, and she will now be listed for enrollment as Martha Catherine Ward.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood, and that the principal applicants, George W. Ward, as George Ward, Kizira Elvira Bruce, as C. E. Ward, Louvinia Suter, as Loo Ward, Martha Susan Suter, as Mat S. Ward, Cordelia Copeland, as Cordelia Ward, George Ward, Charles R. Ward, as Chas. R. Ward, Martha Catherine Ward, as Mat C. Ward, Loo Anna Ward, as Loo A. Ward, Elmer J. Ward, Charles Ward, as Chas. Ward, E. J. Ward, and Mary E. Ward, are identified on the Cherokee authenticated tribal roll of 1880; that said principal applicants left the Cherokee nation about the year 1880, and since that time have continuously resided outside the domain of the Five Civilized Tribes, and have neither owned nor controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The evidence further shows that the minor applicants, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, Ida, Frank, Eva and Cap Bruce, Charlie Washington and John Suter, the children of Martha Susan Suter, names unknown, Arthur, Levi, Devore and Lucinda Copeland, are children of the said principal applicants, George W. Ward, Kizira Elvira Bruce, Louvinia Suter, Martha Susan Suter, and Cordelia Copeland, were born since 1880, and possess no rights to enrollment not possessed by their said parents.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Mizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Kler J. Ward, Charles Ward, E. J. Ward and Mary E. Ward, are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby.

Dated at Muskogee, Indian Territory,

this Dec 27 1905.

Cherokee
D-1997

Muskogee, Indian Territory, December 27, 1905.

Louvinia Suter,
Greenbrier, Tennessee.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, the application for the enrollment of yourself and your minor children, Charlie Washington Suter and John Suter, as citizens by blood of the Cherokee Nation. There is also inclosed a copy of the record of proceedings had in your case.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl B-64
Register.

Cherokee
D-1794, et al.

Muskogee, Indian Territory, December 27, 1905.

W. W. Hastings,
Attorney for Cherokee Nation.
Muskogee, Indian Territory

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the applications for the enrollment of the applicants embraced in the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of George W. Ward, et al., Cherokee D. 1794, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl. B-75

Muskogee, Indian Territory, December 27, 1908

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision rejecting the applications for the enrollment of George W. Ward and his children, Eddie Thomas, Joe Miller, John Tisdal, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, of Eliza Elvira Bruce and her children, Ida, Frank, Eva and Gap Bruce, of Louvinia Guter and her children, Charlie Washington and John Guter, of Martha Susan Guter and her children, names unknown, of Cordelia Copeland and her children, Arthur, Levi, Devere and Lucinda Copeland, and of George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elar J. Ward, Charles Ward, E. J. Ward and Mary R. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. B-76

Commissioner

Through the

Commissioner of Indian Affairs .

-COBY-

Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE.

D.C. 22791
I.T.D. 9864-1906.

June 1, 1906.

L.RS.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including your decision of the same date, denying the applications of George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Eler J. Ward, Charles Ward, E. J. Ward and Mary E. Ward.

Reporting May 25, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
136-1906.

May 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee citizens by George W. Ward for himself and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome, and Harry Levi Ward; by Kizira Elivira Bruce for herself and her children, Ida, Frank, Eva, and Cap Bruce; of Louvinia Suter for herself and her children, Charlie Washington and John Suter; by Martha Susan Suter for herself and her children, names unknown; by Cordelia Copeland for herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; and by George, Charles R., Martha Catherine, Lou Anna, Eler J., Charles, E. J., and Mary E. Ward for themselves.

December 27, 1905 the Commissioner decided adversely to all the applicants.

The record shows that all of the applicants are Cherokees by blood, and that the principal applicants, George W. Ward, Kizira Elvira Bruce, Louvinia Suter, Martha Susan Suter,

Cordelia Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Eler J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward are identified on the 1880 Cherokee authenticated tribal roll; that they left the Cherokee Nation about the year 1880, and since that time have continuously resided outside of the Indian Territory, and have neither owned nor controlled any property in the Cherokee Nation. The record further shows that the minor applicants are children of the principal applicants, were born since 1880, and possess no rights to enrollment not possessed by the said principal applicants.

In view of the record and of Sec. 21 of the act of June 28, 1898 (30 Stats., 495) the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMX
C

Cherokee
D 1794

COPY.

Muskogee, Indian Territory, June 13, 1906.

W. V. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the applications for the enrollment of George W. Ward et al, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED).

Tame Bixby.
Commissioner.

Incl.P-32
WVP

Cherokee
D 1897

COPY.

Muskogee, Indian Territory, June 13, 1906.

Louvinia Suter,
Greenbrier, Tennessee.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting among others, the application for the enrollment of yourself and children, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

Respectfully,

SIGNED.

Jams Bixby.
Commissioner.

HNP

Cher R 1006

Trans from Cher D 1798

Cher R 1006

Cher N 1878

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMETT STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q. What is your name? A. Emmett Starr.
Q. What is your age? A. Thirty one years.
Q. What is your post office address? A. Claremont, I. T.
Q. Are you a citizen by blood of the Cherokee Nation?
A. Yes sir, I am.
Q. For whom do you desire to make application for enrollment?
A. For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q. Are there any other persons for whom you desire to make appli-
cation for enrollment?
A. I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

Est. E. Starr, born 1865, 1880, First District;
Note: "Est. E. Starr and lives in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

J. R. Tw
Notary Public.

Prescribed and sworn to before me this 24th day of October 1902

W. J. Brown

Interest.
For collecting in an accurate transcript of his proceedings, these
transcripts and proceedings had in the above entitled cases and their
transmission to the Five Civilized Tribes, as collected and recorded the
D. O. Brown, an agent of the Bureau, as prescribed to the

For the Bureau, and for the Five Civilized Tribes

DEPT. OF THE INTERIOR
THE FIVE CIVILIZED TRIBES
FILED
AUG 4 1902



These transcripts and proceedings are
for the Bureau, and for the Five Civilized Tribes
transmission to the Five Civilized Tribes, as collected and recorded the
D. O. Brown, an agent of the Bureau, as prescribed to the

Prescribed and sworn to before me this 24th day of October 1902
For the Bureau, and for the Five Civilized Tribes
transmission to the Five Civilized Tribes, as collected and recorded the
D. O. Brown, an agent of the Bureau, as prescribed to the

W. J. Brown, Agent of the Bureau,
Department of the Interior.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., OCTOBER 19, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GEORGE WARD ET AL., as citizens by blood of the Cherokee Nation.

GEORGE W. WARD, being first duly sworn, testified as follows:

Q CHAIR OF THE COMMISSIONER:

- Q What is your name? A George Ward, G. W. Ward is the way I sign my name.
- Q George W. Ward? A Yes sir.
- Q How old are you? A 62 the first day of last January.
- Q What is your post office address? A Whiting, Missouri, Mississippi County.
- Q Are you a Cherokee by blood? A Yes sir.
- Q What degree of Cherokee blood have you? A About 1/4.
- Q What is the name of your father? A Charles Ward.
- Q Is he living? A No sir, dead, died in '51.
- Q Was he a Cherokee? A Yes sir.
- Q What is the name of your mother? A Her name was Mansley before she married, Vira Mansley.
- Q She is dead? A Yes sir.
- Q Was she a Cherokee? A No sir.
- Q Have you some children? A Yes sir.
- Q What are their names? A The oldest one is Vicina Elvira Ward.
- Q How old is she? A About 35 years old I think, to the best of my recollection.
- Q Is she living? A Yes sir.
- Q I find on the roll of 1832 following the name of Rachel L. Ward, the name of a child 10 years old at that time, G. W. Ward. That was Fizzie.
- Q You state she is living? A Yes sir, living in Tennessee.
- Q Is her mother a white woman? A Yes sir, her mother is.
- Q What was her name? A Her name was Margaret Pinion before I married her.
- Q Is she dead? A Yes sir, she is dead.
- Q And you are the father of Fizzie? A Yes sir.
- Q Is the name of your next child Jack? A Louvinia.
- Q Is she about 32 years of age now? A Something right about that, I don't remember the exact age of them.
- Q What is the name of her mother? A Same as the other, Margaret Pinion.
- Q Is your next child that? A Martha Susan.
- Q Is she about 31 years of age? A Yes sir.
- Q What is the name of her mother? A The same name.
- Q Is the name of the next child Cordelia? A Yes sir.
- Q Is she living? A Yes sir.
- Q What is the name of her mother? A Rachel Hicks before I married her.
- Q Is her full name Rachel L. Hicks? A Yes sir.
- Q Her name is Ward now? A Yes sir.

- Q Is she a white woman? A Well, I don't know, I got her way back in the mountains there in the old Nation and she shows up to be an Indian, but she was raised an orphan and doesn't know, and I don't know. She doesn't claim to be at all.
- Q Is your next child George Ward? A Yes sir.
- Q Is he living? A Yes sir.
- Q What is the name of his mother? A Rachel Ward.
- Q Have you any more children? A Yes sir, got 7 more.
- Q Give the name of your next oldest one? A Eddie Thomas.
- Q How old is he? A He is 2 years old.
- Q What is the name of his mother? A Rachel L. Ward.
- Q Your next child? A Joe Miller.
- Q Is he living? A Yes sir.
- Q How old is he? A About 21, he may be 22.
- Q The name of his mother the same? A Yes sir.
- Q The next child? A John Tisdell.
- Q Is he living? A Yes sir.
- Q How old is he? A He is 18.
- Q His mother the same? A Yes sir.
- Q The next child? A Charles Jackson.
- Q His age? A He is 14.
- Q His mother the same? A Yes sir.
- Q The next child? A Sam.
- Q Is he living? A Yes sir.
- Q His age? A He is 2 1/2 years younger than Charlie, make him about 11 1/2.
- Q His mother the same? A Yes sir.
- Q The next child? A Martin Jerome.
- Q How old is he? A He is 8 years old.
- Q Is he living? A Yes sir.
- Q Has he the same mother? A Yes sir.
- Q The next child? A Harry Levi.
- Q Is he living? A Yes sir.
- Q His age? A 6 years old.
- Q Has he the same mother? A Yes sir.
- Q The next child? A That is all, that winds them up.
- Q Did you at one time live in the Cherokee Nation? A Yes sir.
- Q When did you come to the Cherokee Nation first? A I come in there about '76.
- Q Then how long did you live there? A Until '80, the very last month of '80.
- Q Then where did you go? A I went from there to west Tennessee. I started to go to Duraka Springs, Arkansas, started for the health of my wife and children, I started out and got to rattling and we went to west Tennessee before I stopped.
- Q How long did you live in west Tennessee? A Two years.
- Q Then where did you go? A From there up near Nashville, Tenn.
- Q How long did you live there? A 10 years.
- Q Then where did you go? A I went from there to Chattanooga, in east Tennessee.
- Q How long did you stay there? A Just a year.
- Q Then where did you go? A Come back to Sumner County, Tennessee.
- Q How long did you stay in that county? A Until 3 years ago.
- Q Then where did you go? A I come to Mississippi County, Missouri.
- Q Have you been living there continuously since then? A Yes sir, three years.

- Q You never have returned to the Cherokee Nation since you left in 1837? A Not until now.
- Q Did you ever own a farm in the Cherokee Nation? A I bought some improvements from John Bearpaw and Jack Hawk, just the improvements when I bought it, about seven acres of the land cleared. They allowed me land around the place about a quarter of a mile. That is the way it was.
- Q How long did you keep that place, that claim? A During all the time I was out here in the Territory.
- Q When you left did you dispose of it? A No sir, just left it standing there.
- Q Just abandoned it? A Yes sir.
- Q Since that time have you ever owned any property in the Cherokee Nation? A No sir.
- Q Never owned any of any kind? A Not a thing.
- Q Never have identified yourself in any way with the Cherokee Nation since you left? A No sir.
- Q Your wife Rachel seems to be on the roll of 1835 with you as an adopted white, that is the mother of these children is it? A Yes sir.
- Q When were you and she married? A We were married in '73. My first wife, me and her was married a long while, she just lived nine years, then I lived alone by myself with those three first children for about a year and eleven months, then me and this woman was married that I have got now.
- Q Has her residence been the same as yours ever since you married? A Yes sir, just the same.
- Q Now your children, Fizzia Elvira, Louvinia, Martha Susan, Cordelia, and George, where have they lived since you left the Cherokee Nation? A The most of the time with me until they all married off. Kizzie, she has been living in Sumner County since I went there. Louvinia lives in Robinson County, Martha Susan in Robinson County, Cordelia in Daniels County but not long, she came to Mississippi County, Missouri, before I did.
- Q Were all these children born before you left the Cherokee Nation in 1837? A Yes sir.
- Q And they lived with you until they were grown and married? A Yes sir.
- Q Have any of them returned to the Cherokee Nation? A Not that I know of. I was expecting one of my daughters to be here today.
- Q You have any of your children, this older set of children, ever owned any property interest in the Cherokee Nation? A No sir.
- Q They never have identified themselves with the Cherokee Nation in any way since you left? A No sir.
- Q Where was your child, Eddie Thomas, born? A In Murray County, Tennessee, I stopped in west Tennessee yet near two years, he was born October 11, after I left here in 1837.
- Q Not all of these other children younger than Eddie were born after you left the Cherokee Nation? A Yes sir, he was born on the road as I went from the Cherokee Nation.
- Q Never have any of them been in the Cherokee Nation? A No sir.
- Q Has their residence been the same as yours? A Yes sir, and is until this time.
- Q Have you ever drawn any money from the Cherokee Nation? A Yes sir, I drew some in '37.
- Q Bread payment? A Yes sir.
- Q Have you, since you left the Cherokee Nation, drawn any money? A No sir.

- Q Your oldest child, Kizzira Elvira, she is married, is she? A Yes sir, she is a widow now though.
- Q What is the name of her husband? A William Bruce.
- Q He is a non-citizen? A Yes sir.
- Q When were they married? A They were married, I disremember but it was along,-- she was about 17 years old when they were married.
- Q Has she any children? A Yes sir.
- Q How many? A Five.
- Q What is the name of her eldest child, do you know? A Yes sir, her name is, I just can't remember it now,-- it is Ida.
- Q Ida Bruce? A Yes sir.
- Q How old is that child? A About 10 years old.
- Q Is she living? A Yes sir.
- Q Is William Bruce dead? A Yes sir.
- Q What is the name of her next child? A Her next child was named Frank.
- Q How old is he? A He is about 9 I reckon.
- Q Is he living? A Yes sir.
- Q Father named William Bruce? A Yes sir.
- Q The next child? A Eva.
- Q Is she living? A Yes sir.
- Q How old is she? A About 6 or 7 years old, along there somewhere, she is 6 anyway.
- Q Father William Bruce? A Yes sir.
- Q What is the name of the next child? A He, I don't know, they always called him Cap.
- Q Is he living? A Yes sir.
- Q How old is he? A Just about a year and 18 months younger than that other one.
- Q What is the name of the last child? A Essie.
- Q How old is she? A She is about 2 1/2 years old now.
- Q She was born after September 1, 1902? A Yes sir.
- Q Now Leuvina, is she married? A Yes sir.
- Q What is the name of her husband? A Charlie Suter.
- Q He is a non-citizen? A Yes sir.
- Q When were they married? A They were married about, I think they were married in '85, she was married a long time before Kizzie.
- Q Have they some children? A Two, yes sir.
- Q What is the name of the oldest child? A Charlie Washington.
- Q Is he living? A Yes sir.
- Q How old is he? A 15 years old.
- Q Charlie Suter living? A Yes sir.
- Q Their next child? A John.
- Q How old is John? A He is about 13 years old.
- Q Is he living? A Yes sir.
- Q Father Charlie Suter? A Yes sir.
- Q That is all the children they have? A Yes sir, that is all, just two.
- Q Your child Martha Susan, is she married? A His name is Bob Suter, the same name as that other one.
- Q He is a non-citizen? A Yes sir.
- Q When were they married? A They were married in, I think it was about '00.
- Q Have they any children? A Yes sir, they have a whole house full of them, I don't know as I can tell all their names.
- Q You don't know their names? A No sir, I don't know their names.

- Q Your daughter Cordelia, is she married? A Yes sir, been married twice.
- Q What was the name of her husband? A Sam,--S. W. Copeland.
- Q What is the name of her present husband? A Charlie Steward.
- Q When did she marry him? A About two years ago.
- Q Now prior to her marriage to him, what was the name of her husband? A His name was Copeland.
- Q First name? A S. W., Sam Copeland.
- Q Was he a non-citizen? A Yes sir.
- Q Now has your daughter some children? A Yes sir, four.
- Q What are their names, the oldest one? A Arthur.
- Q Arthur Copeland? A Yes sir.
- Q How old is he? A He is 10 or 11 years old.
- Q He is living? A Yes sir.
- Q S. W. Copeland living? A No sir, he is dead.
- Q What is the name of her next child? A Levi Copeland.
- Q How old is Levi? A He is 9 years old.
- Q Levi and Arthur both living? A Yes sir.
- Q The next child? A Devere.
- Q How old is he? A He is 7 years old, just shedding his bread teeth.
- Q He is living? A Yes sir.
- Q A boy? A Yes sir.
- Q The next child? A Lucinda.
- Q Is she living? A Yes sir.
- Q How old? A Three years old.
- Q Do you know when she was born? A No sir, not exact, she was born about a year before Steward and my daughter was married.
- Q She never has seen her father.
- Q Do you know whether she is three or over three? A She may be a little over three, I don't know, I couldn't just give the correct age of her at all, but then it is something just along about three years old. This other bunch of children I failed to give you the names of, I will get those named and send them in to you.
- Q That last child is a child of S. W. Copeland? A Yes sir.
- Q Is George got any children? A Yes sir, just one.
- Q How old is it? A About a year and a half old.
- Q What is George's post office? A Whiting, Missouri.
- Q What is Cordelia's post office? A The same one, we all live there in a bunch.
- Q Her name is Steward? A Yes sir.
- Q Martha lives at Whiting? A No sir, she lives at Greenbrier, Robinson County, Tennessee.
- Q Louvinia? A She lives at the same post office, Greenbrier.
- Q And Flossie? A Goodlettsville, Davidson County, Tennessee.
- Q Now none of your grand children by your first set of children were born in the Cherokee Nation? A No sir.

- Q And none of them have ever been in the Cherokee Nation? A Never have.
- Q You, nor none of your children or grand children own any property whatever in the Cherokee Nation? A None at all.

Copies of this testimony will be filed with and made a part of the record in the following Cherokee Doubtful Enrollment cases:

Cherokee D-1794
Cherokee D 1795
Cherokee D 1796
Cherokee D 1797
Cherokee D 1798
Cherokee D 1799
Cherokee D 1800

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George H. Leesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Leesley

Subscribed and sworn to before me this 23rd day of October, 1905.

Edward M. Mearns
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George W. Ward et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

George W. Ward,	Cherokee D 1794
Kisira Elvira Bruce	" D 1796
Louvinia Suter	" D 1797
Martha Susan Suter	" D 1798
Cordelia Copeland	" D 1799
George Ward	" D 1800
Charles R. Ward	" D 1802
Martha Catherine Ward	" D 1807
Lee Anna Ward	" D 1806
Eler J. Ward	" D 1808
Charles Ward	" D 1809
E. J. Ward	" D 1803
Mary E. Ward	" D 1804.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made applications for the enrollment of George W. Ward, C. R. Ward, Lee Ward, Mat S. Ward, Cordelia Ward, George Ward, Chas. R. Ward, Mat C. Ward, Lee A. Ward, Eler J. Ward, Chas. Ward, E. J. Ward and Mary E. Ward, their families and descendants, as citizens of the Cherokee Nation. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, July 18, and October 19, 1905, in which it is shown that the application for the enrollment of George W. Ward included himself and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome

and Harry Levi Ward; that the correct name of the applicant C. E. Ward on September 1, 1902, was Kisira Elvira Bruce, and she will now be listed for enrollment as Kisira Elvira Bruce; that the application for the enrollment of Kisira Elvira Bruce included herself and her children, Ida, Frank, Eva and Cap Bruce; that the correct name of the applicant Loo Ward, on September 1, 1902, was Louvinia Suter, and she will now be listed for enrollment as Louvinia Suter; that the application for the enrollment of Louvinia Suter included herself and her children, Charlie Washington and John Suter; that the correct name of the applicant Mat S. Ward on September 1, 1902, was Martha Susan Suter, and she will now be listed for enrollment as Martha Susan Suter; that the application for the enrollment of Martha Susan Suter included herself and her children, names unknown; that the correct name of the applicant Cordelia Ward on September 1, 1902, was Cordelia Copeland, and she will now be listed for enrollment as Cordelia Copeland; that the application for the enrollment of Cordelia Copeland included herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; that the correct name of the applicant Mat C. Ward is Martha Catherine Ward, and she will now be listed for enrollment as Martha Catherine Ward.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood, and that the principal applicants, George W. Ward, as George Ward, Kisira Elvira Bruce, as C. E. Ward, Louvinia Suter, as Loo Ward, Martha Susan Suter, as Mat S. Ward, Cordelia Copeland, as Cordelia Ward, George Ward, Charles R. Ward, as Chas. R. Ward, Martha Catherine Ward, as Mat C. Ward, Loo Anna Ward, as Loo A. Ward, Eler J. Ward, Charles Ward, as Chas. Ward, E. J. Ward, and Mary E. Ward, are identified on the Cherokee authenticated tribal roll of 1880; that said principal applicants left the Cherokee nation about the year 1880, and since that time have continuously resided outside the domain of the Five Civilized Tribes, and have neither owned nor controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The evidence further shows that the minor applicants, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam Martin, Jerome and Harry Levi Ward, Ida, Frank, Eva and Cap Bruce, Charlie Washington and John Suter, the children of Martha Susan Suter, names unknown, Arthur, Levi, Devore and Lucinda Copeland, are children of the said principal applicants, George W. Ward, Kisira Elvira Bruce, Louvinia Suter, Martha Susan Suter, and Cordelia Copeland, were born since 1880, and possess no rights to enrollment not possessed by their said parents.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 25, 1898 (30 Stat., 495), George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Mizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Eler J. Ward, Charles Ward, E. J. Ward and Mary E. Ward, are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tans Sixby.

Dated at Muskogee, Indian Territory,

this Dec 27 1905.

Cherokee
D-1798

Muskogee, Indian Territory, December 27, 1905.

Martha Susan Suter,
Greenbrier, Tennessee.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, the application for the enrollment of yourself and children (names unknown) as citizens by blood of the Cherokee Nation. There is also inclosed a copy of the record of proceedings had in your case.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl B-66
Register.

Cherokee
D-1794, et al.

Muskogee, Indian Territory, December 27, 1905.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the applications for the enrollment of the applicants embraced in the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of George W. Ward, et al., Cherokee D. 1794, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl. B-75

Muskogee, Indian Territory, December 27, 1905

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision rejecting the applications for the enrollment of George W. Ward and his children, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, of Kinsira Elvira Bruce and her children, Ida, Frank, Eva and Cep Bruce, of Louvinia Guter and her children, Charlie Washington and John Guter, of Martha Susan Guter and her children, names unknown, of Cordelia Copeland and her children, Arthur, Levi, Devere and Lucinda Copeland, and of George Ward, Charles E. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary E. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. B-76

Through the

Commissioner of Indian Affairs .

Commissioner

Janury 6 196

Adams

Robinson Co. tennessee

Deair Seair: This is in the regard of Martha Susan Suter famely, i have got a husband and 5 children i will give you the age of all my hushin is 34 years old. his name is Bob Suter and now i will giv the name of the older girl her name is Magia Suter age 14 yeairs old. Now i will giv the name of the next one her name is Mattay May Suter her age is 12 yeairs old. Now i will giv the other one his name is George H. Suter his age is 10 yeairs old. Now i will giv the other one her age is 7 yeairs old. Now i will giv the other one her name is Dellar Suter her age is 5 yeairs old. you hav got my name and my age and heair is my children and hushian name and ages so i will close hopin to heair from you soon.

Yours truly

Martha Susan Suter.

So i will tell you that thair all air livin now hopin that i will heair ffrom you soon yours truly Martha S san Suter.

So good by

i am one of the 5 Civilized tribes

George W. Ward

Dauter

Martha Susan Suter.

What mus i send my fathers George W. Ward evedence back you did not say what to do about it.

if you

Cherokee
D 1908

Muskogee, Indian Territory, January 16, 1906.

Martha Susan Suter,
Adams, Tennessee.

Dear Madam:

This office is in receipt of your letter of January 6, 1906, addressed to George H. Lesaley, an employee of this office, giving the names and ages of your minor children.

Your letter has been noted and filed in connection with the application for your enrollment as a citizen by blood of the Cherokee Nation.

Respectfully,

GHL

Commissioner.

Cherokee
D 1798

COPY.

Muskogee, Indian Territory, June 13, 1906.

Martha Susan Suter,
Adams, Tennessee.

Dear Madam:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes dated December
27, 1905, rejecting the application for the enrollment of
yourself and children (names unknown) was affirmed by the
Secretary of the Interior, June 1, 1906.

Respectfully,

SIGNED.

Tame Bixby.
Commissioner.

MEP

COPY:

Cherokee

D 1794

Muskogee, Indian Territory, June 13, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the applications for the enrollment of George W. Ward et al, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

CCHW:R

Tams Bixby.
Commissioner.

Incl. P-32
MBP

-COPY-

DEPARTMENT OF THE INTERIOR,

Y.P.

D.C. 22791
I.T.D. 2864-1906.

WASHINGTON,

THE.

L.R.S.

June 1, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including your decision of the same date, denying the applications of George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Eler J. Ward, Charles Ward, E. J. Ward and Mary E. Ward.

Reporting May 25, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

LAND
136-1906.

-COPY-
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee citizens by George W. Ward for himself and his children, Eddie Thomas, Joe Miller, John Tisdal, Charles Jackson, Sam, Martin Jerome, and Harry Levi Ward; by Kinira Elvira Bruce for herself and her children, Ida, Frank, Eva, and Cap Bruce; of Louvinia Suter for herself and her children, Charlie Washington and John Suter; by Martha Susan Suter for herself and her children, names unknown; by Cordelia Copeland for herself and her children, Arthur, Levi, Devere, and Lucinda Copeland; and by George, Charles R., Martha Catherine, Lou Anna, Elmer J., Charles, E. J., and Mary E. Ward for themselves.

December 27, 1905 the Commissioner decided adversely to all the applicants.

The record shows that all of the applicants are Cherokees by blood, and that the principal applicants, George W. Ward, Kinira Elvira Bruce, Louvinia Suter, Martha Susan Suter,

Cordelia Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elor J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward are identified on the 1880 Cherokee authenticated tribal roll; that they left the Cherokee Nation about the year 1880, and since that time have continuously resided outside of the Indian Territory, and have neither owned nor controlled any property in the Cherokee Nation. The record further shows that the minor applicants are children of the principal applicants, were born since 1880, and possess no rights to enrollment not possessed by the said principal applicants.

In view of the record and of Sec. 21 of the act of June 26, 1898 (30 Stat., 495) the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MEM
C

Cher R 1007

Trans from Cher D 1799

Cher R 1007

R
Cher D 1799

Department of the Interior,
Commission to the Five Civilized Tribes,
Huskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

Cordelia Ward, page 400, # 1880, Flint District;
Note: "Left Nation and lives in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

J. R. Roster
Notary Public.

Internal Profile

THE UNIVERSITY OF CHICAGO

5-15-64

The following is an outline of the structure of the National Security Council and its various committees and subcommittees, and the various offices and agencies which report to the Council. The Council is organized into three main divisions: the Policy Planning Staff, the Intelligence Staff, and the Operations Staff. The Policy Planning Staff is responsible for the development of national security policy, and the Intelligence Staff is responsible for the collection and analysis of intelligence. The Operations Staff is responsible for the execution of national security policy. The Council also has a number of committees and subcommittees, which are responsible for the coordination of national security policy across different departments and agencies. The Council is also responsible for the coordination of national security policy with the other branches of the federal government.

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DEPARTMENT OF THE ARMY
COMMISSION TO THE FIVE CIVIL
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for collection by officers of the Chicago section
in the matter of the abduction of James Boyle.

June 30, 1965.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
WASHOGE, I. T., OCTOBER 19, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GEORGE WARD ET AL., as citizens by blood of the Cherokee Nation.

GEORGE W. WARD, being first duly sworn, testified as follows:

- Q BEHALF OF THE COMMISSIONER:
Q What is your name? A George Ward, G. W. Ward is the way I sign my name.
Q George W. Ward? A Yes sir.
Q How old are you? A 62 the first day of last January.
Q What is your post office address? A Whiting, Missouri, Mississippi County.
Q Are you a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood have you? A About 1/4.
Q What is the name of your father? A Charles Ward.
Q Is he living? A No sir, dead, died in '61.
Q Was he a Cherokee? A Yes sir.
Q What is the name of your mother? A Her name was Mensley before she married, Vira Tensley.
Q She is dead? A Yes sir.
Q Was she a Cherokee? A No sir.
Q Have you some children? A Yes sir.
Q What are their names? A The oldest one is Vicira Elvira Ward.
Q How old is she? A About 35 years old I think, to the best of my recollection.
Q Is she living? A Yes sir.
Q I find on the roll of 1891 following the name of Rachel L. Ward, the name of a child 10 years old at that time, G. W. Ward? That was Izzie.
Q You state she is living? A Yes sir, living in Tennessee.
Q Is her mother a white woman? A Yes sir, her mother is.
Q What was her name? A Her name was Margaret Pinion before I married her.
Q Is she dead? A Yes sir, she is dead.
Q And you are the father of Izzie? A Yes sir.
Q Is the name of your next child Izzie? A Louvinia.
Q Is she about 32 years of age now? A Something right about that, I don't remember the exact age of them.
Q What is the name of her mother? A Same as the other, Margaret Pinion.
Q Is your next child that? A Martha Susan.
Q Is she about 31 years of age? A Yes sir.
Q What is the name of her mother? A The same name.
Q Is the name of the next child Cordelia? A Yes sir.
Q Is she living? A Yes sir.
Q What is the name of her mother? A Rachel Nick before I married her.
Q Is her full name Rachel L. Nick? A Yes sir.
Q Her name is Ward now? A Yes sir.

Q Is she a white woman? A Well, I don't know, I got her way back in the mountains there in the old Nation and she shows up to be an Indian, but she was raised an orphan and doesn't know, and I don't know. She doesn't claim to be at all.

Q Is your next child George Ward? A Yes sir.

Q Is he living? A Yes sir.

Q What is the name of his mother? A Rachel Ward.

Q Have you any more children? A Yes sir, got 7 more.

Q Give the name of your next oldest one? A Eddie Thomas.

Q How old is he? A He is 21 years old.

Q What is the name of his mother? A Rachel E. Ward.

Q Your next child? A Joe Miller.

Q Is he living? A Yes sir.

Q How old is he? A About 21, he may be 22.

Q The name of his mother the same? A Yes sir.

Q The next child? A John Tisdell.

Q Is he living? A Yes sir.

Q How old is he? A He is 18.

Q His mother the same? A Yes sir.

Q The next child? A Charles Jackson.

Q His age? A He is 14.

Q His mother the same? A Yes sir.

Q The next child? A Sam.

Q Is he living? A Yes sir.

Q His age? A He is 2 1/2 years younger than Charlie, the first, about 11 1/2.

Q His mother the same? A Yes sir.

Q The next child? A Martin Jerome.

Q How old is he? A He is 8 years old.

Q Is he living? A Yes sir.

Q Has he the same mother? A Yes sir.

Q The next child? A Harry Levi.

Q Is he living? A Yes sir.

Q His age? A 6 years old.

Q Has he the same mother? A Yes sir.

Q The next child? A That is all, that winds them up.

Q Did you at one time live in the Cherokee Nation? A Yes sir.

Q When did you come to the Cherokee Nation first? A I came in there about '76.

Q Then how long did you live there? A Until '80, the very last month of '80.

Q Then where did you go? A I went from there to west Tennessee. I started to go to Eureka Springs, Arkansas, started for the health of my wife and children, I started out and got to traveling and we went to west Tennessee before I stopped.

Q How long did you live in west Tennessee? A Two years.

Q Then where did you go? A From there up near Nashville, Tenn.

Q How long did you live there? A 10 years.

Q Then where did you go? A I went from there to Chattanooga, in east Tennessee.

Q How long did you stay there? A Just a year.

Q Then where did you go? A Come back to Sumner County, Tennessee.

Q How long did you stay in that county? A Until 3 years ago.

Q Then where did you go? A I come to Mississippi County, Missouri.

Q Have you been living there continuously since then? A Yes sir, three years.

- Q You never have returned to the Cherokee Nation since you left in 1890? A Not until now.
- Q Did you ever own a farm in the Cherokee Nation? A I bought some improvements from John Bearpaw and Jack Hawk, just the improvements when I bought it, about seven acres of the land cleared. They allowed me land around the place about a quarter of a mile. That is the way it was.
- Q How long did you keep that place, that claim? A During all the time I was out here in the Territory.
- Q When you left did you dispose of it? A No sir, just left it standing there.
- Q Just abandoned it? A Yes sir.
- Q Since that time have you ever owned any property in the Cherokee Nation? A No sir.
- Q Never owned any of any kind? A Not a thing.
- Q Never have identified yourself in any way with the Cherokee Nation since you left? A No sir.
- Q Your wife Rachel seems to be on the roll of 1890 with you as an adopted white, that is the mother of these children is it? A Yes sir.
- Q When were you and she married? A We were married in '73. My first wife, as and her was married a long while, she just lived nine years, then I lived alone by myself with those three first children for about a year and eleven months, then me and this woman was married that I have got now.
- Q Has her residence been the same as yours ever since you married? A Yes sir, just the same.
- Q Now your children, Flossie Elvira, Louvinia, Martha Susan, Cordelia, and George, where have they lived since you left the Cherokee Nation? A The most of the time with me until they all married off. Flossie, she has been living in Sumner County since I went there. Louvinia lives in Robinson County, Martha Susan in Robinson county, Cordelia in Daniels County but not long, she came to Mississippi County, Missouri, before I did.
- Q Were all these children born before you left the Cherokee Nation in 1890? A Yes sir.
- Q And they lived with you until they were grown and married? A Yes sir.
- Q Have any of them returned to the Cherokee Nation? A Not that I know of. I was expecting one of my daughters to be here today.
- Q Now have any of your children, this older set of children, ever owned any property interest in the Cherokee Nation? A No sir.
- Q They never have identified themselves with the Cherokee Nation in any way since you left? A No sir.
- Q Where was your child, Eddie Thomas, born? A In Murray County, Tennessee, I stopped in west Tennessee but near two years, he was born October 11, after I left here in 1890.
- Q Now all of these other children younger than Eddie were born after you left the Cherokee Nation? A Yes sir, he was born on the road as I went from the Cherokee Nation.
- Q Never have any of them been in the Cherokee Nation? A No sir.
- Q Has their residence been the same as yours? A Yes sir, and is until this time.
- Q Have you ever drawn any money from the Cherokee Nation? A Yes sir, I drew some in '91.
- Q Bread payment? A Yes sir.
- Q Have you, since you left the Cherokee Nation, drawn any money? A No sir.

- Q Your oldest child, Kizzira Olvira, she is married, is she? A Yes sir, she is a widow now though.
- Q What is the name of her husband? A William Bruce.
- Q He is a non-citizen? A Yes sir.
- Q When were they married? A They were married, I disremember but it was along,-- she was about 17 years old when they were married.
- Q Has she any children? A Yes sir.
- Q How many? A Five.
- Q What is the name of her oldest child, do you know? A Yes sir, her name is, I just can't remember it now,-- it is Ida.
- Q Ida Bruce? A Yes sir.
- Q How old is that child? A About 10 years old.
- Q Is she living? A Yes sir.
- Q Is William Bruce dead? A Yes sir.
- Q What is the name of her next child? A Her next child was named Frank.
- Q How old is he? A He is about 9 I reckon.
- Q Is he living? A Yes sir.
- Q Father named William Bruce? A Yes sir.
- Q The next child? A Eva.
- Q Is she living? A Yes sir.
- Q How old is she? A About 6 or 7 years old, along there somewhere, she is 6 anyway.
- Q Father William Bruce? A Yes sir.
- Q What is the name of the next child? A He, I don't know, they always called him Cap.
- Q Is he living? A Yes sir.
- Q How old is he? A Just about a year and 18 months younger than that other one.
- Q What is the name of the last child? A Essie.
- Q How old is she? A She is about 2 1/2 years old now.
- Q She was born after September 1, 1902? A Yes sir.
- Q Now Louvinia, is she married? A Yes sir.
- Q What is the name of her husband? A Charlie Suter.
- Q He is a non-citizen? A Yes sir.
- Q When were they married? A They were married about, I think they were married in '85, she was married a long time before Fizzio.
- Q Have they some children? A Two, yes sir.
- Q What is the name of the oldest child? A Charlie Washington.
- Q Is he living? A Yes sir.
- Q How old is he? A 15 years old.
- Q Charlie Suter living? A Yes sir.
- Q Their next child? A John.
- Q How old is John? A He is about 13 years old.
- Q Is he living? A Yes sir.
- Q Father Charlie Suter? A Yes sir.
- Q That is all the children they have? A Yes sir, that is all, just two.
- Q Your child Martha Susan, is she married? A His name is Bob Suter, the same name as that other one.
- Q He is a non-citizen? A Yes sir.
- Q When were they married? A They were married in, I think it was about '90.
- Q Have they any children? A Yes sir, they have a whole house full of them, I don't know as I can tell all their names.
- Q You don't know their names? A No sir, I don't know their names.

- Q Your daughter Cordelia, is she married? A Yes sir, been married twice.
- Q What was the name of her husband? A Sam,--S. W. Copeland.
- Q What is the name of her present husband? A Charlie Steward.
- Q When did she marry him? A About two years ago.
- Q Now prior to her marriage to him, what was the name of her husband? A His name was Copeland.
- Q First name? A S. W., Sam Copeland.
- Q Was he a non-citizen? A Yes sir.
- Q Now has your daughter some children? A Yes sir, four.
- Q What are their names, the oldest one? A Arthur.
- Q Arthur Copeland? A Yes sir.
- Q How old is he? A He is 10 or 11 years old.
- Q He is living? A Yes sir.
- Q S. W. Copeland living? A No sir, he is dead.
- Q What is the name of her next child? A Levi Copeland.
- Q How old is Levi? A He is 9 years old.
- Q Levi and Arthur both living? A Yes sir.
- Q The next child? A Devere.
- Q How old is he? A He is 7 years old, just shedding his bread teeth.
- Q He is living? A Yes sir.
- Q A boy? A Yes sir.
- Q The next child? A Lucinda.
- Q Is she living? A Yes sir.
- Q How old? A Three years old.
- Q Do you know when she was born? A No sir, not exact, she was born about a year before Steward and my daughter was married. She never has seen her father.
- Q Do you know whether she is three or over three? A She may be a little over three, I don't know, I couldn't just give the correct age of her at all, but then it is something just along about three years old. This other bunch of children I failed to give you the names of, I will get those named and send them in to you.
- Q That last child is a child of S. W. Copeland? A Yes sir.
- Q It's George got any children? A Yes sir, just one.
- Q How old is it? A About a year and a half old.
- Q What is George's post office? A Whiting, Missouri.
- Q What is Cordelia's post office? A The same one, we all live there in a bunch.
- Q Her name is Steward? A Yes sir.
- Q Martha lives at Whiting? A No sir, she lives at Greenbrier, Robinsion County, Tennessee.
- Q Louvinia? A She lives at the same post office, Greenbrier.
- Q And Pizzia? A Goodletsville, Davidson Count, Tennessee.
- Q Now none of your grand children by your first set of children were born in the Cherokee Nation? A No sir.

- Q And none of them have ever been in the Cherokee Nation? A Never have.
- Q You, nor none of your children or grand children own any property whatever in the Cherokee Nation? A None at all.

Copies of this testimony will be filed with and made a part of the record in the following Cherokee Doubtful Enrollment cases:

Cherokee D-1794
Cherokee D 1795
Cherokee D 1796
Cherokee D 1797
Cherokee D 1798
Cherokee D 1799
Cherokee D 1800

-----600-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 23rd day of October, 1905.

Edward Merrick
Notary Public.

C.F.B.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
George W. Ward et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

George W. Ward,	Cherokee D 1794
Kisira Elvira Bruce	" D 1796
Louvinia Suter	" D 1797
Martha Susan Suter	" D 1798
Cordelia Copeland	" D 1799
George Ward	" D 1800
Charles R. Ward	" D 1802
Martha Catherine Ward	" D 1807
Loe Anna Ward	" D 1806
Eler J. Ward	" D 1808
Charles Ward	" D 1809
E. J. Ward	" D 1803
Mary E. Ward	" D 1804.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made applications for the enrollment of George W. Ward, C. E. Ward, Loe Ward, Mat S. Ward, Cordelia Ward, George Ward, Chas. R. Ward, Mat C. Ward, Loe A. Ward, Eler J. Ward, Chas. Ward, E. J. Ward and Mary E. Ward, their families and descendants, as citizens of the Cherokee Nation. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, July 18, and October 19, 1905, in which it is shown that the application for the enrollment of George W. Ward included himself and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome

and Harry Levi Ward; that the correct name of the applicant C. E. Ward on September 1, 1902, was Kizira Elvira Bruce, and she will now be listed for enrollment as Kizira Elvira Bruce; that the application for the enrollment of Kizira Elvira Bruce included herself and her children, Ida, Frank, Eva and Cap Bruce; that the correct name of the applicant Loo Ward, on September 1, 1902, was Louvinia Suter, and she will now be listed for enrollment as Louvinia Suter; that the application for the enrollment of Louvinia Suter included herself and her children, Charlie Washington and John Suter; that the correct name of the applicant Mat S. Ward on September 1, 1902, was Martha Susan Suter, and she will now be listed for enrollment as Martha Susan Suter; that the application for the enrollment of Martha Susan Suter included herself and her children, Names unknown; that the correct name of the applicant Cordelia Ward on September 1, 1902, was Cordelia Copeland, and she will now be listed for enrollment as Cordelia Copeland; that the application for the enrollment of Cordelia Copeland included herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; that the correct name of the applicant Mat C. Ward is Martha Catherine Ward, and she will now be listed for enrollment as Martha Catherine Ward.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood, and that the principal applicants, George W. Ward, as George Ward, Kizira Elvira Bruce, as C. E. Ward, Louvinia Suter, as Loo Ward, Martha Susan Suter, as Mat S. Ward, Cordelia Copeland, as Cordelia Ward, George Ward, Charles R. Ward, as Chas. R. Ward, Martha Catherine Ward, as Mat C. Ward, Loo Anna Ward, as Loo A. Ward, Eler J. Ward, Charles Ward, as Chas. Ward, E. J. Ward, and Mary E. Ward, are identified on the Cherokee authenticated tribal roll of 1880; that said principal applicants left the Cherokee Nation about the year 1880, and since that time have continuously resided outside the domain of the Five Civilized Tribes, and have neither owned nor controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The evidence further shows that the minor applicants, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, Ida, Frank, Eva and Cap Bruce, Charlie Washington and John Suter, the children of Martha Susan Suter, names unknown, Arthur, Levi, Devore and Lucinda Copeland, are children of the said principal applicants, George W. Ward, Kizira Elvira Bruce, Louvinia Suter, Martha Susan Suter, and Cordelia Copeland, were born since 1880, and possess no rights to enrollment not possessed by their said parents.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 498), George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devere Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary E. Ward, are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Birby.

Dated at Muskogee, Indian Territory,

this Dec 27 1905.

Cherokee
D-1799

Muskogee, Indian Territory, December 27, 1905.

Cordelia Steward,

Whiting, Missouri.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, the application for the enrollment of yourself and minor children, Arthur, Levi, Devore and Lucinda Copeland, as citizens by blood of the Cherokee Nation. There is also inclosed a copy of the record of proceedings had in your case.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl B-66

Register.

Cherokee
D-1794, et al.

Muskogee, Indian Territory, December 27, 1905.

V. V. Hastings,
Attorney for Cherokee Nation.
Muskogee, Indian Territory

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the applications for the enrollment of the applicants embraced in the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of George W. Ward, et al., Cherokee D. 1794, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl. B-75

Muskogee, Indian Territory, December 27, 1908

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision rejecting the applications for the enrollment of George W. Ward and his children, Eddie Thomas, Joe Miller, John Tiadel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, of Kistira Elvira Bruce and her children, Ida, Frank, Eva and Cap Bruce, of Louvinia Guter and her children, Charlie Washington and John Guter, of Martha Susan Guter and her children, names unknown, of Cordelia Copeland and her children, Arthur, Levi, Devere and Lucinda Copeland, and of George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elser J. Ward, Charles Ward, E. J. Ward and Mary E. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. B-96

Commissioner

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee
D 1799

Muskogee, Indian Territory, June 13, 1906.

Cordelia Steward,
Whiting, Missouri.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting, among others, the application for the enrollment of yourself and children, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

Respectfully,

SIGNED).

Tams Dixby.

Commissioner.

MP

COPY.

Cherokee

D 1794

Muskogee, Indian Territory, June 13, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the applications for the enrollment of George W. Ward et al, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED).

Tamm Dixey.
Commissioner.

Incl.P-32
MGP

-CONY-

Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

YHE.

D.C. 22791
I.T.D. 9844-1906.

June 1, 1906.

L.RS.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including your decision of the same date, denying the applications of George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Leo Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary E. Ward.

Reporting May 25, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

LAND
136-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee citizens by George W. Ward for himself and his children, Eddie Thomas, Joe Miller, John Tisdal, Charles Jackson, Sam, Martin Jerome, and Harry Levi Ward; by Kizira Elvira Bruce for herself and her children, Ida, Frank, Eva, and Cap Bruce; of Louvinia Suter for herself and her children, Charlie Washington and John Suter; by Martha Susan Suter for herself and her children, names unknown; by Cordelia Copeland for herself and her children, Arthur, Levi, Devere, and Lucinda Copeland; and by George, Charles E., Martha Catherine, Lou Anna, Elmer J., Charles, E. J., and Mary E. Ward for themselves.

December 27, 1905 the Commissioner decided adversely to all the applicants.

The record shows that all of the applicants are Cherokees by blood, and that the principal applicants, George W. Ward, Kizira Elvira Bruce, Louvinia Suter, Martha Susan Suter,

Cordelia Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward are identified on the 1880 Cherokee authenticated tribal roll; that they left the Cherokee Nation about the year 1880, and since that time have continuously resided outside of the Indian Territory, and have neither owned nor controlled any property in the Cherokee Nation. The record further shows that the minor applicants are children of the principal applicants, were born since 1880, and possess no rights to enrollment not possessed by the said principal applicants.

In view of the record and of Sec. 21 of the act of June 26, 1898 (30 Stats., 495) the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

MMH
C

Char R 1008

Trans from Char D 1800

Char R 1008

H
Cher 2 1800

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

James Bullett, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A James Bullett.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

George Ward, page 401, § 1461, First District;
Note: "Left Nation and lives in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

W. R. R. R.
Notary Public.

100

1971-1972 ON CAMP RISES TIME, IN APPROXIMATELY 10:00

ASOTKA RIVER, AREA
1014 to 1425. 21 Feb 1942, 1943.

1874

... ..

Department of the Interior

DECEMBER

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
WASHKOGON, I. T., OCTOBER 19, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GEORGE WARD ET AL., as citizens by blood of the Cherokee Nation.

GEORGE W. WARD, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A George Ward, G. W. Ward is the way I sign my name.
- Q George W. Ward? A Yes sir.
- Q How old are you? A 62 the first day of last January.
- Q What is your post office address? A Whiting, Missouri, "Missouri County."
- Q Are you a Cherokee by blood? A Yes sir.
- Q What degree of Cherokee blood have you? A About 1/4.
- Q What is the name of your father? A Charles Ward.
- Q Is he living? A No sir, dead, died in '51.
- Q Was he a Cherokee? A Yes sir.
- Q What is the name of your mother? A Her name was Hensley before she married, Vira Hensley.
- Q She is dead? A Yes sir.
- Q Was she a Cherokee? A No sir.
- Q Have you some children? A Yes sir.
- Q What are their names? A The oldest one is Fidora Elvira Ward.
- Q How old is she? A About 33 years old I think, to the best of my recollection.
- Q Is she living? A Yes sir.
- Q I find on the roll of 1835 following the name of Rachel L. Ward, the name of a child 10 years old at that time, G. W. Ward? That was Fizzie.
- Q You state she is living? A Yes sir, living in Tennessee.
- Q Is her mother a white woman? A Yes sir, her mother is.
- Q What was her name? A Her name was Margaret Pinion before I married her.
- Q Is she dead? A Yes sir, she is dead.
- Q And you are the father of Fidora? A Yes sir.
- Q Is the name of your next child Fida? A Neuvinia.
- Q Is she about 32 years of age now? A Something right about that, I don't remember the exact age of them.
- Q What is the name of her mother? A Same as the other, Margaret Pinion.
- Q Is your next child Fida? A Martha Susan.
- Q Is she about 31 years of age? A Yes sir.
- Q What is the name of her mother? A The same name.
- Q Is the name of the next child Cordelia? A Yes sir.
- Q Is she living? A Yes sir.
- Q What is the name of her mother? A Rachel Hicks before I married her.
- Q Is her full name Rachel S. Hick? A Yes sir.
- Q Was she in Ward now? A Yes sir.

- Q Is she a white woman? A Well, I don't know, I got her way back in the mountains there in the old Nation and she shows up to be an Indian, but she was raised an orphan and doesn't know, and I don't know. She doesn't claim to be at all.
- Q Is your next child George Ward? A Yes sir.
- Q Is he living? A Yes sir.
- Q What is the name of his mother? A Rachel Ward.
- Q Have you any more children? A Yes sir, got 7 more.
- Q Give the name of your next oldest one? A Edw'd's Thomas.
- Q How old is he? A He is 2 years old.
- Q What is the name of his mother? A Rachel L. Ward.
- Q Your next child? A Joe Miller.
- Q Is he living? A Yes sir.
- Q How old is he? A About 21, he may be 22.
- Q The name of his mother the same? A Yes sir.
- Q The next child? A John Tiedel.
- Q Is he living? A Yes sir.
- Q How old is he? A He is 18.
- Q His mother the same? A Yes sir.
- Q The next child? A Charles Jackson.
- Q His age? A He is 14.
- Q His mother the same? A Yes sir.
- Q The next child? A Sam.
- Q Is he living? A Yes sir.
- Q His age? A He is 2 1/2 years younger than Charlie, make him about 11 1/2.
- Q His mother the same? A Yes sir.
- Q The next child? A Martin Jerome.
- Q How old is he? A He is 6 years old.
- Q Is he living? A Yes sir.
- Q Has he the same mother? A Yes sir.
- Q The next child? A Harry Levi.
- Q Is he living? A Yes sir.
- Q His age? A 6 years old.
- Q Has he the same mother? A Yes sir.
- Q The next child? A That is all, that winds them up.
- Q Did you at one time live in the Cherokee Nation? A Yes sir.
- Q When did you come to the Cherokee Nation first? A I came in there about '76.
- Q Then how long did you live there? A Until '06, the very last month of '06.
- Q Then where did you go? A I went from there to west Tennessee. I started to go to Jureka Springs, Arkansas, started for the health of my wife and children, I started out and got to ramping and we went to west Tennessee before I stopped.
- Q How long did you live in west Tennessee? A Two years.
- Q Then where did you go? A From there up near Nashville, Tenn.
- Q How long did you live there? A 10 years.
- Q Then where did you go? A I went from there to Chattanooga, in east Tennessee.
- Q How long did you stay there? A Just a year.
- Q Then where did you go? A Come back to Sumner County, Tennessee.
- Q How long did you stay in that county? A Until 3 years ago.
- Q Then where did you go? A I come to Mississippi County, Missouri.
- Q Have you been living there continuously since then? A Yes sir, three years.

- Q You never have returned to the Cherokee Nation since you left in 1860? A Not until now.
- Q Did you ever own a farm in the Cherokee Nation? A I bought some improvements from John Bearpaw and Jack Hawk, just the improvements when I bought it, about seven acres of the land cleared. They allowed me land around the place about a quarter of a mile. That is the way it was.
- Q How long did you keep that place, that claim? A During all the time I was out here in the Territory.
- Q When you left did you dispose of it? A No sir, just left it standing there.
- Q Just abandoned it? A Yes sir.
- Q Since that time have you ever owned any property in the Cherokee Nation? A No sir.
- Q Never owned any of any kind? A Not a thing.
- Q Never have identified yourself in any way with the Cherokee Nation since you left? A No sir.
- Q Your wife Rachel went to be on the roll of 1860 with you as an adopted white, that is the mother of these children is it? A Yes sir.
- Q Then were you and she married? A We were married in '75. My first wife, me and her was married a long while, she just lived nine years, then I lived alone by myself with those three first children for about a year and eleven months, then me and this woman was married that I have got now.
- Q Has her residence been the same as yours ever since you married? A Yes sir, just the same.
- Q Now your children, Missie Elvira, Louvinia, Martha Susan, Cordelia, and George, where have they lived since you left the Cherokee Nation? A The most of the time with me until they all married off. Missie, she has been living in Sumner County since I went there. Louvinia lives in Robinson County, Martha Susan in Robinson County, Cordelia in Danville County but not long, she came to Mississippi County, Missouri, before I did.
- Q Were all these children born before you left the Cherokee Nation in 1860? A Yes sir.
- Q And they lived with you until they were grown and married? A Yes sir.
- Q Have any of them returned to the Cherokee Nation? A Not that I know of. I was expecting one of my daughters to be here today.
- Q Now have any of your children, this older set of children, ever owned any property interest in the Cherokee Nation? A No sir.
- Q They never have identified themselves with the Cherokee Nation in any way since you left? A No sir.
- Q Where was your child, Eddie Thomas, born? A In Murray County, Tennessee, I stopped in west Tennessee put near two years, he was born October 11, after I left here in 1860.
- Q For all of these other children younger than Eddie were born after you left the Cherokee Nation? A Yes sir, he was born on the road as I was from the Cherokee Nation.
- Q Never have any of them been in the Cherokee Nation? A No sir.
- Q Has their residence been the same as yours? A Yes sir, and is until this time.
- Q Have you ever drawn any money from the Cherokee Nation? A Yes sir, I drew some in '97.
- Q Bread payment? A Yes sir.
- Q Have you, since you left the Cherokee Nation, drawn any money? A No sir.

Q Your eldest child, Kizzira Oliveira, she is married, is she? A Yes sir, she is a widow now though.

Q What is the name of her husband? A William Bruce.

Q He is a non-citizen? A Yes sir.

Q When were they married? A They were married, I disremember but it was along,-- she was about 17 years old when they were married.

Q Has she any children? A Yes sir.

Q How many? A Five.

Q What is the name of her eldest child, do you know? A Yes sir, her name is, I just can't remember it now,-- it is Ida.

Q Ida Bruce? A Yes sir.

Q How old is that child? A About 10 years old.

Q Is she living? A Yes sir.

Q Is William Bruce dead? A Yes sir.

Q What is the name of her next child? A Her next child was named Frank.

Q How old is he? A He is about 9 I reckon.

Q Is he living? A Yes sir.

Q Father named William Bruce? A Yes sir.

Q The next child? A Eva.

Q Is she living? A Yes sir.

Q How old is she? A About 6 or 7 years old, along there somewhere, she is 6 anyway.

Q Father William Bruce? A Yes sir.

Q What is the name of the next child? A No, I don't know, they always called him Cap.

Q Is he living? A Yes sir.

Q How old is he? A Just about a year and 12 months younger than that other one.

Q What is the name of the last child? A Essie.

Q How old is she? A She is about 2 1/2 years old now.

Q She was born after September 1, 1902? A Yes sir.

Q Now Louvinia, is she married? A Yes sir.

Q What is the name of her husband? A Charlie Suter.

Q He is a non-citizen? A Yes sir.

Q When were they married? A They were married about, I think they were married in '68, she was married a long time before Kizzie.

Q Have they some children? A Two, yes sir.

Q What is the name of the eldest child? A Charlie Washington.

Q Is he living? A Yes sir.

Q How old is he? A 15 years old.

Q Charlie Suter living? A Yes sir.

Q Their next child? A John.

Q How old is John? A He is about 13 years old.

Q Is he living? A Yes sir.

Q Father Charlie Suter? A Yes sir.

Q That is all the children they have? A Yes sir, that is all, just two.

Q Your child Martha Susan, is she married? A His name is Bob Suter, the same name as that other one.

Q He is a non-citizen? A Yes sir.

Q When were they married? A They were married in, I think it was about '04.

Q Have they any children? A Yes sir, they have a whole house full of them, I don't know as I can tell all their names.

Q You can't know their names? A No sir, I don't know their names.

- Q Her daughter Cordelia, is she married? A Yes sir, been married twice.
- Q What was the name of her husband? A Sam,--S. V. Copeland.
- Q What is the name of her present husband? A Charlie Steward.
- Q When did she marry him? A About two years ago.
- Q Now prior to her marriage to him, what was the name of her husband? A His name was Copeland.
- Q First name? A S. V., Sam Copeland.
- Q Was he a non-citizen? A Yes sir.
- Q Now has your daughter some children? A Yes sir, four.
- Q What are their names, the oldest one? A Arthur.
- Q Arthur Copeland? A Yes sir.
- Q How old is he? A He is 10 or 11 years old.
- Q He is living? A Yes sir.
- Q S. V. Copeland living? A No sir, he is dead.
- Q What is the name of her next child? A Levi Copeland.
- Q How old is Levi? A He is 9 years old.
- Q Levi and Arthur both living? A Yes sir.
- Q The next child? A Devere.
- Q How old is he? A He is 7 years old, just shedding his bread teeth.
- Q He is living? A Yes sir.
- Q A boy? A Yes sir.
- Q The next child? A Leucinda.
- Q Is she living? A Yes sir.
- Q How old? A Three years old.
- Q Do you know when she was born? A No sir, not exact, she was born about a year before Steward and my daughter was married. She never has seen her father.
- Q Do you know whether she is three or over three? A She may be a little over three, I don't know, I couldn't just give the correct age of her at all, but then it is something just along about three years old. This other bunch of children I failed to give you the names of, I will get those named and send them in to you.
- Q That last child is a child of S. V. Copeland? A Yes sir.
- Q Has George got any children? A Yes sir, just one.
- Q How old is it? A About a year and a half old.
- Q What is George's post office? A Whiting, Missouri.
- Q What is Cordelia's post office? A The same one, we all live there in a bunch.
- Q Her name is Steward? A Yes sir.
- Q Martha lives at Whiting? A No sir, she lives at Greenbrier, Robinson County, Tennessee.
- Q Louvinia? A She lives at the same post office, Greenbrier.
- Q And Lissia? A Goodlettsville, Davidson County, Tennessee.
- Q Now none of your grand children by your first set of children were born in the Cherokee Nation? A No sir.

- - - - -
- Q And none of them have ever been in the Cherokee Nation? A Never have.
- Q You, nor none of your children or grand children own any property whatever in the Cherokee Nation? A None at all.

Copies of this testimony will be filed with and made a part of the record in the following Cherokee Doubtful Enrollment cases:

Cherokee D-1794
Cherokee D 1795
Cherokee D 1796
Cherokee D 1797
Cherokee D 1798
Cherokee D 1799
Cherokee D 1800

-----600-----

George H. Leasler, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Leasler

Subscribed and sworn to before me this 23rd day of October, 1905.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
George W. Ward et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

George W. Ward,	Cherokee D 1794
Risira Elvira Bruce	" D 1796
Louvinia Suter	" D 1797
Martha Susan Suter	" D 1798
Cordelia Copeland	" D 1799
George Ward	" D 1800
Charles R. Ward	" D 1802
Martha Catherine Ward	" D 1807
Loe Anna Ward	" D 1808
Eler J. Ward	" D 1808
Charles Ward	" D 1809
E. J. Ward	" D 1803
Mary E. Ward	" B 1804

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made applications for the enrollment of George W. Ward, C. R. Ward, Loe Ward, Mat S. Ward, Cordelia Ward, George Ward, Chas. R. Ward, Mat C. Ward, Loe A. Ward, Eler J. Ward, Chas. Ward, E. J. Ward and Mary E. Ward, their families and descendants, as citizens of the Cherokee Nation. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, July 18, and October 19, 1906, in which it is shown that the application for the enrollment of George W. Ward included himself and his children, Eddie Thomas, Joe Miller, John Tisdal, Charles Jackson, Sam, Martin Jerome

and Harry Levi Ward; that the correct name of the applicant C. B. Ward on September 1, 1902, was Kizira Elvira Bruce, and she will now be listed for enrollment as Kizira Elvira Bruce; that the application for the enrollment of Kizira Elvira Bruce included herself and her children, Ida, Frank, Eva and Cap Bruce; that the correct name of the applicant Loo Ward, on September 1, 1902, was Louvinia Suter, and she will now be listed for enrollment as Louvinia Suter; that the application for the enrollment of Louvinia Suter included herself and her children, Charlie Washington and John Suter; that the correct name of the applicant Mat S. Ward on September 1, 1902, was Martha Susan Suter, and she will now be listed for enrollment as Martha Susan Suter; that the application for the enrollment of Martha Susan Suter included herself and her children, names unknown; that the correct name of the applicant Cordelia Ward on September 1, 1902, was Cordelia Copeland, and she will now be listed for enrollment as Cordelia Copeland; that the application for the enrollment of Cordelia Copeland included herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; that the correct name of the applicant Mat C. Ward is Martha Catherine Ward, and she will now be listed for enrollment as Martha Catherine Ward.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood, and that the principal applicants, George W. Ward, as George Ward, Kizira Elvira Bruce, as C. B. Ward, Louvinia Suter, as Loo Ward, Martha Susan Suter, as Mat S. Ward, Cordelia Copeland, as Cordelia Ward, George Ward, Charles R. Ward, as Chas. R. Ward, Martha Catherine Ward, as Mat C. Ward, Loo Anna Ward, as Loo A. Ward, Eler J. Ward, Charles Ward, as Chas. Ward, E. J. Ward, and Mary E. Ward, are identified on the Cherokee authenticated tribal roll of 1880; that said principal applicants left the Cherokee Nation about the year 1880, and since that time have continuously resided outside the domain of the Five Civilized Tribes, and have neither owned nor controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The evidence further shows that the minor applicants, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, Ida, Frank, Eva and Cap Bruce, Charlie Washington and John Suter, the children of Martha Susan Suter, names unknown, Arthur, Levi, Devore and Lucinda Copeland, are children of the said principal applicants, George W. Ward, Kizira Elvira Bruce, Louvinia Suter, Martha Susan Suter, and Cordelia Copeland, were born since 1880, and possess no rights to enrollment not possessed by their said parents.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary E. Ward, are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby.

Dated at Muskogee, Indian Territory,

this Dec 27 1905.

Cherokee
D-1800

Muskogee, Indian Territory, December 27, 1905.

George Ward,

Whiting, Missouri.

Dear Sir:

There is inclosed herewith a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, said application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl B-67

Register.

Muskogee, Indian Territory, December 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision rejecting the applications for the enrollment of George W. Ward and his children, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, of Kizira Elvira Bruce and her children, Ida, Frank, Eva and Cap Bruce, of Louvinia Suter and her children, Charlie Washington and John Suter, of Martha Susan Suter and her children, names unknown, of Cordelia Copeland and children, Arthur, Levi, Devore and Lucinda Copeland, and of George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Eler J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

(Signed) Tams Bixby,
Commissioner.

Incl B-76

Through the

Commissioner of Indian Affairs.

Cherokee
D-1794, et al.

Muskogee, Indian Territory, December 27, 1905.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the applications for the enrollment of the applicants embraced in the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of George W. Ward, et al., Cherokee D. 1794, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl. B-75

Cherokee
D 1800

Muskogee, Indian Territory, June 13, 1906.

George Ward,
Whiting, Missouri.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting, among others, the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

Respectfully,

SIGNED.

Tams Bixby.

Commissioner.

MDP

COPY

Cherokee

D 1794

Muskogee, Indian Territory, June 13, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the applications for the enrollment of George W. Ward et al, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED).

Tams Dixby.
Commissioner.

Incl. B-32
MFP

-COBY-

Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FILE.

D.O. 22791
L.T.D. 9864-1906.

June 1, 1906.

L.RS.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including your decision of the same date, denying the applications of George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Fiedel Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Klavira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Leo Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary E. Ward.

Reporting May 26, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAID
136-1906.

May 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee citizens by George W. Ward for himself and his children, Eddie Thomas, Joe Miller, John Tisdal, Charles Jackson, Sam, Martin Jerome, and Harry Levi Ward; by Kinira Elvira Bruce for herself and her children, Ida, Frank, Eva, and Cap Bruce; of Louvinia Suter for herself and her children, Charlie Washington and John Suter; by Martha Susan Suter for herself and her children, names unknown; by Cordelia Copeland for herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; and by George, Charles R., Martha Catherine, Lou Anna, Elmer J., Charles, E. J., and Mary E. Ward for themselves.

December 27, 1905 the Commissioner decided adversely to all the applicants.

The record shows that all of the applicants are Cherokees by blood, and that the principal applicants, George W. Ward, Kinira Elvira Bruce, Louvinia Suter, Martha Susan Suter,

Gordelia Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elzer J. Ward, Charles Ward, E. J. Ward, and Mary R. Ward are identified on the 1880 Cherokee authenticated tribal roll; that they left the Cherokee Nation about the year 1880, and since that time have continuously resided outside of the Indian Territory, and have neither owned nor controlled any property in the Cherokee Nation. The record further shows that the minor applicants are children of the principal applicants, were born since 1880, and possess no rights to enrollment not possessed by the said principal applicants.

In view of the record and of Sec. 21 of the act of June 28, 1898 (30 Stats., 495) the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

KMM
C

Cher R 1009

Trans from Cher D 1802

Cher R 1009

Cher

2 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1890
Cherokee roll, their families and descendants:

Chas. R. Ward, page 402, # 1403, Ninth District;
Note: "Left Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
TULSA, OKLA., OCTOBER 20, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHARLES R. WARD ET AL., as citizens by blood of the Cherokee Nation.

GEORGE W. WARD, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A George W. Ward.
- Q What is your age? A 62.
- Q What is your present office? A Whiting, Mississippi County, Mo.
- Q You have just given testimony in your own enrollment case, have you? A Yes sir.
- Q You state that you have a brother named Charles R. Ward? A Yes sir.
- Q Did he at one time live in the Cherokee Nation? A Yes sir.
- Q You state you came to the Cherokee Nation about 1875 and remained there until the last month in 1887? A Yes sir.
- Q Did your brother Charles R. come to the Cherokee Nation at the time you did? A The same time.
- Q Did he leave at the same time? A No sir, he left just before I did.
- Q Do you know where they went? A To Murray County, Tennessee.
- Q Do you know how long he lived there? A No sir.
- Q Do you know his present whereabouts? A Yes sir.
- Q I believe you state somewhere in Alabama? A I think it was Limestone County, Alabama, the last time I ever heard of him.
- Q About how long ago was that? A About 12 years ago.
- Q And from the time he left the Cherokee Nation before you went away until about 12 years ago did you keep track of him? A Yes sir.
- Q Hear from him from time to time? A There was two years I didn't know anything about where he was, he lost his wife and he was troubled about
- Q Did he ever live in the Cherokee Nation during that period?
- A No sir, not that I know of.
- Q Have you ever heard of his returning to the Cherokee Nation after he left? A No sir, I wrote to my sister to find out here about a month ago, she was here.
- Q When your brother Charles left, did he leave any property in the Cherokee Nation? A Not a thing.
- Q And if he ever returned to the Cherokee Nation you don't know it? A No sir, I don't.
- Q Have you any reason to believe he ever did? A No sir, I haven't.
- Q You don't know whether he is living at this time? A No sir, I don't.
- Q You never have heard though of his death? A No sir, but I don't know that he is living, he is younger than I am and he stands a chance to be living.

- Q And he had some children, did he? A Yes sir.
- Q Do you know the name of his oldest child? A Her name was Mattie, Martha at least, they called her Mat.
- Q I see on the roll of 1880 a Mat. D. Ward? A That is her.
- Q That is Martha D.? A Yes sir, Martha Catherine.
- Q Did she leave at the time your brother left? A Yes sir.
- Q Do you know anything of the whereabouts of Martha? A No sir, she was with me brother the last time I ever seen her, but she married afterwards, but I don't know who. We were about 60 or 70 miles apart.
- Q Do you know the name of the mother of Martha? A Yes sir.
- Q What is her name? A Her name was Catherine, but then she never was on the roll, died before she reached the Cherokee Nation.
- Q Your brother Charles, he was about the same degree of Cherokee blood as you? A Yes sir, about 1/4.
- Q Did Martha live with Charles? A During the time I kept up with them.
- Q What was the name of his next child? A Ella, no Annie is the name of the next one.
- Q Do you know about how old she is? A She would be about 28 years old now.
- Q She was younger than Mattie? A Yes sir.
- Q Has she been dead a long time? A I don't know.
- Q I notice on the roll of 1880 the name of Leo A. Ward, who would be about 30 or 31 years of age now, do you reckon that could have been Annie? A That was Sallie, her name was Leo but they always called her Sallie. There was a Leo in my other brother's family, the one that died on the road coming here, and his wife lived with my brother Charles, and I guess when he put them on the roll, which ever was the oldest he had them put down first.
- Q And the next child younger than Annie is Eller J.? A Yes sir.
- Q Do you know whether she is living? A I do not.
- Q Did she leave the Cherokee Nation with your brother Charles? A Yes sir.
- Q Did she live with him during the time you kept up with him? A Yes sir.
- Q And if she is dead, you don't know it? A No sir.
- Q Was his next child named Charles? A Those are all he had, just them three.
- Q You had another brother that died on the way out here? A Yes sir.
- Q And his wife, what was her name? A Jane.
- Q I notice on the roll of 1880 an E. J. Ward, a female, about 35 years of age? A That is her, her name was Jane.
- Q Is she dead? A I don't know whether she is or not, I aint been keeping up with her much.
- Q Did she come to the Cherokee Nation the time you came in 1875? A Yes sir.
- Q Then did she leave? A When my brother did.
- Q Your brother Charles? A Yes sir.
- Q She didn't leave any property in the Cherokee Nation? A Nothing at all.
- Q She had no property then here when she left here? A No sir.
- Q Do you know of her present whereabouts? A She is in Murray County, not far from Columbia.
- Q Tennessee? A Yes sir.
- Q How long did you keep track of her after she left? A I passed backwards and forwards for 10 or 12 years.

- Q. Has she ever returned to the Cherokee Nation? A. Not that I know of.
- Q. You never heard of it if she has been back? A. No sir.
- Q. She had some children, did she? A. Yes sir.
- Q. What were their names? A. The eldest one named Mollie.
- Q. Did they ever call her Mary? A. That was really her name, but they always called her Mollie.
- Q. Did she leave at the time her mother, Jane, left? A. Yes sir.
- Q. What was the name of Mary's father? A. His name was Ben.
- Q. About what degree of Cherokee blood was Jane? A. She was about 1/16 part I guess, but these children are more than that.
- Q. Mary has lived with her mother so far as you know? A. All the while, yes sir.
- Q. She never returned to the Cherokee Nation? A. Not that I know of.
- Q. What was the name of Jane Ward's next child? A. Her next child was named Sallie, I don't know whether she was on the roll or not, I think she died before the roll was made.
- Q. Was there a child named Loo A.? A. Yes sir, Loo Anna was the next one younger than Sallie.
- Q. Sallie doesn't appear to be on the roll? A. No sir, I don't think she is on the roll at all.
- Q. Ben Ward was her father and Jane her mother? A. Yes sir.
- Q. And Loo Anna lived with her mother? A. Yes sir.
- Q. Was she ever returned to the Cherokee Nation? A. Not that I know of.
- Q. And the next child? A. That was Charlie.
- Q. And Charlie left with his mother did he? A. Yes sir.
- Q. Has lived with her so far as you know ever since? A. Yes sir.
- Q. Has never returned to the Cherokee Nation? A. Not that I know of.
- Q. I find the name of Martha E. Ward on the roll of 1880? A. I reckon that must be that eldest daughter of Charles, Martha E. Ward.
- Q. You think the name appearing on the roll, after the roll has been examined and the way it appears on there, Martha E. Ward was the one you refer to as being dead and the daughter of Jane Ward and your brother Ben Ward? A. Yes sir.
- Q. She died while you lived here, that was during the year 1880?
- Q. Yes sir, she must have died that year. Well I know she did, she died just a few days before he left here, about a week or ten days.
- Q. Now you don't know the post office of any of these relatives of yours? A. No sir, I don't know the post of near one of them now.
- Q. You have some brothers or sisters living in the Cherokee Nation?
- Q. Yes sir, Mrs. Holland and Martha Cloud.
- Q. Now if any of these nephews and nieces and brothers and sisters-in-law of yours have ever returned to the Cherokee Nation, do you think you would have heard of it through your sisters? A. Yes sir, I wrote a special letter to Mrs. Holland whether they had ever got any of them back here or not and she wrote me if they ever had she didn't know anything about it.
- Q. And you have no reason to believe that any of them have ever come back? A. No sir, I haven't. I have had a hard struggle myself and they have had a little harder.

- 4-
- Q Now the only ones you have heard of dying were Matilda and Martha E., called Sallie? A Yes sir, they are the only ones I have ever heard of being dead, except some of Mrs. Holland's family, they died here.
- Q They were the ones living in this country? A Yes sir.
- Q Now Charles R. Ward, your brother, had the same father and mother as you? A Yes sir.
- Q Charles Ward your father, and Mrs. Hensley, your mother? A Yes sir.
- Q Elmer J. and Martha C. were full sisters? A Yes sir.

Copies of this testimony will be filed in the following Doubtful Cherokee Enrollment cases:

Charles R. Ward	C D 1802
E. J. Ward	C D 1803
Mary B. Ward	C D 1804
Lee A. Ward	C D 1806
Mat C. Ward	C D 1807
Elmer J. Ward	C D 1808
Charles Ward	C D 1809.

-----CO-----

George H. Lussley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lussley

Subscribed and sworn to before me this 24th day of October, 1905.

Edward M. Mearns
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
George W. Ward et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

George W. Ward	Cherokee D 1794
Kisira Elvira Bruce	" D 1796
Louvinia Suter	" D 1797
Martha Susan Suter	" D 1798
Cordelia Copeland	" D 1799
George Ward	" D 1800
Charles R. Ward	" D 1802
Martha Catherine Ward	" D 1807
Lee Anna Ward	" D 1806
Eler J. Ward	" D 1808
Charles Ward	" D 1809
H. J. Ward	" D 1803
Mary H. Ward	" D 1804.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made applications for the enrollment of George W. Ward, C. R. Ward, Lee Ward, Mat S. Ward, Cordelia Ward, George Ward, Chas. R. Ward, Mat C. Ward, Lee A. Ward, Eler J. Ward, Chas. Ward, H. J. Ward and Mary H. Ward, their families and descendants, as citizens of the Cherokee Nation. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, July 15, and October 19, 1902, in which it is shown that the application for the enrollment of George W. Ward included himself and his children, Eddie Thomas, Joe Miller, John Tindel, Charles Jackson, Son, Martin Jerome

and Harry Levi Ward; that the correct name of the applicant G. E. Ward on September 1, 1902, was Kizira Nivira Bruce, and she will now be listed for enrollment as Kizira Nivira Bruce; that the application for the enrollment of Kizira Nivira Bruce included herself and her children, Ida, Frank, Eva and Cap Bruce; that the correct name of the applicant Lee Ward, on September 1, 1902, was Louvinia Suter, and she will now be listed for enrollment as Louvinia Suter; that the application for the enrollment of Louvinia Suter included herself and her children, Charlie Washington and John Suter; that the correct name of the applicant Mat S. Ward on September 1, 1902, was Martha Susan Suter, and she will now be listed for enrollment as Martha Susan Suter; that the application for the enrollment of Martha Susan Suter included herself and her children, names unknown; that the correct name of the applicant Cordelia Ward on September 1, 1902, was Cordelia Copeland, and she will now be listed for enrollment as Cordelia Copeland; that the application for the enrollment of Cordelia Copeland included herself and her children, Arthur, Levi, Devere, and Lucinda Copeland; that the correct name of the applicant Mat C. Ward is Martha Catherine Ward, and she will now be listed for enrollment as Martha Catherine Ward.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood, and that the principal applicants, George W. Ward, as George Ward, Kizira Nivira Bruce, as G. E. Ward, Louvinia Suter, as Lee Ward, Martha Susan Suter, as Mat S. Ward, Cordelia Copeland, as Cordelia Ward, George Ward, Charles R. Ward, as Chas. R. Ward, Martha Catherine Ward, as Mat C. Ward, Lee Anna Ward as Lee A. Ward, Elmer J. Ward, Charles Ward, as Chas. Ward, E. J. Ward, and Mary E. Ward, are identified on the Cherokee authenticated tribal roll of 1900; that said principal applicants left the Cherokee Nation about the year 1890, and since that time have continuously resided outside the domain of the Five Civilized Tribes, and have neither owned nor controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The evidence further shows that the minor applicants, Eddie Thomas, Joe Miller, John Tinsel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, Ida, Frank, Eva and Cap Bruce, Charlie Washington and John Suter, the children of Martha Susan Suter, names unknown, Arthur, Levi, Devere and Lucinda Copeland, are children of the said principal applicants, George W. Ward, Kizira Nivira Bruce, Louvinia Suter, Martha Susan Suter, and Cordelia Copeland, were born since 1890, and possess no rights to enrollment not possessed by their said parents.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1906 (30 Stat., 494), George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tidel Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Minnie Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devora Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward, and Mary R. Ward, are not entitled to enrollment as citizens by blood of the Cherokee nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tamm Birby

COMMISSIONER

Dated at Muskogee, Indian Territory,
this Dec 27 1905.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D-1802

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.



Muskogee, Indian Territory, December 27, 1905.


Charles R. Ward,
Care of George W. Ward,
Whiting, Missouri.

Dear Sir:

There is inclosed herewith a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, said application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,



Commissioner.

Incl. B-68

Register.

Cherokee
D-1794, et al.

Muskogee, Indian Territory, December 27, 1905.

V. W. Hastings,

Attorney for Cherokee Nation,
Muskogee, Indian Territory

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the applications for the enrollment of the applicants embraced in the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of George W. Ward, et al., Cherokee D. 1794, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl. B-78

Muskogee, Indian Territory, December 27, 1905

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision rejecting the applications for the enrollment of George W. Ward and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, of Kizira Elvira Bruce and her children, Ida, Frank, Eva and Cap Bruce, of Louvinia Guter and her children, Charlie Washington and John Guter, of Martha Susan Guter and her children, names unknown, of Cordelia Cepeland and her children, Arthur, Levi, Bevers and Lucinda Cepeland, and of George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary R. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. B-76

Through the

Commissioner of Indian Affairs.

Commissioner

Cherokee
D 1802

COPY.

Muskogee, Indian Territory, June 13, 1906.

Chas. R. Ward,
c/o George W. Ward,
Whiting, Missouri.

Dear Sir:

You are hereby advised that the decision of the Commissioner of the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

Respectfully,

SIGNED:

Tams Dixby.

Commissioner.

WTF

COPY.

Cherokee
B 1794

Muskogee, Indian Territory, June 13, 1906.

W. V. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the applications for the enrollment of George W. Ward et al, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED):

Tamie Dixby.
Commissioner.

Incl.P-32
WVP

-COPY-

DEPARTMENT OF THE INTERIOR,

Y.P.

D.C. 22791
I.T.D. 2864-1906.

WASHINGTON.

FILE.

L.R.E.

June 1, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including your decision of the same date, denying the applications of George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tiedel Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary E. Ward.

Reporting May 25, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

LAND:
186-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee citizens by George W. Ward for himself and his children, Eddie Thomas, Joe Miller, John Tisdal, Charles Jackson, Sam, Martin Jerome, and Harry Levi Ward; by Kinsira Alvira Bruce for herself and her children, Ida, Frank, Eva, and Cap Bruce; of Louvinia Suter for herself and her children, Charlie Washington, and John Suter; by Martha Susan Suter for herself and her children, names unknown; by Cordelia Copeland for herself and her children, Arthur, Levi, Doree, and Lucinda Copeland; and by George, Charles R., Martha Catherine, Lou Anna, Elmer J., Charles, E. J., and Mary E. Ward for themselves.

December 27, 1905 the Commissioner decided adversely to all the applicants.

The record shows that all of the applicants are Cherokees by blood, and that the principal applicants, George W. Ward, Kinsira Alvira Bruce, Louvinia Suter, Martha Susan Suter,

-2-

Cordelia Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Kler J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward are identified on the 1880 Cherokee authenticated tribal roll; that they left the Cherokee Nation about the year 1880, and since that time have continuously resided outside of the Indian Territory, and have neither owned nor controlled any property in the Cherokee Nation. The record further shows that the minor applicants are children of the principal applicants, were born since 1880, and possess no rights to enrollment not possessed by the said principal applicants.

In view of the record and of Sec. 21 of the act of June 28, 1898 (30 Stats., 495) the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MM
C

Cher R1010

Trans from Cher D 1803

Cher R1010

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and descendants:

H. J. Ward, page 401, # 1444, Flint District;
Note: "Left the Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

E. C. Bagwell
Notary Public.

Department of Agriculture
Bureau of Plant Industry
Washington, D. C.

[illegible]

Representative in the
Senate, and the
House of Representatives,
and the President of the
United States.

FILED
AUG 4 1902

The first party was the "Gentlemen of the
 House of Commons" who were on the 7th of
 the month of January 1790. The second
 party was the "Gentlemen of the House
 of Lords" who were on the 14th of the
 month of January 1790. The third party
 was the "Gentlemen of the House of
 Commons" who were on the 21st of the
 month of January 1790. The fourth party
 was the "Gentlemen of the House of
 Lords" who were on the 28th of the
 month of January 1790. The fifth party
 was the "Gentlemen of the House of
 Commons" who were on the 4th of the
 month of February 1790. The sixth party
 was the "Gentlemen of the House of
 Lords" who were on the 11th of the
 month of February 1790. The seventh party
 was the "Gentlemen of the House of
 Commons" who were on the 18th of the
 month of February 1790. The eighth party
 was the "Gentlemen of the House of
 Lords" who were on the 25th of the
 month of February 1790. The ninth party
 was the "Gentlemen of the House of
 Commons" who were on the 4th of the
 month of March 1790. The tenth party
 was the "Gentlemen of the House of
 Lords" who were on the 11th of the
 month of March 1790. The eleventh party
 was the "Gentlemen of the House of
 Commons" who were on the 18th of the
 month of March 1790. The twelfth party
 was the "Gentlemen of the House of
 Lords" who were on the 25th of the
 month of March 1790. The thirteenth party
 was the "Gentlemen of the House of
 Commons" who were on the 1st of the
 month of April 1790. The fourteenth party
 was the "Gentlemen of the House of
 Lords" who were on the 8th of the
 month of April 1790. The fifteenth party
 was the "Gentlemen of the House of
 Commons" who were on the 15th of the
 month of April 1790. The sixteenth party
 was the "Gentlemen of the House of
 Lords" who were on the 22nd of the
 month of April 1790. The seventeenth party
 was the "Gentlemen of the House of
 Commons" who were on the 29th of the
 month of April 1790. The eighteenth party
 was the "Gentlemen of the House of
 Lords" who were on the 6th of the
 month of May 1790. The nineteenth party
 was the "Gentlemen of the House of
 Commons" who were on the 13th of the
 month of May 1790. The twentieth party
 was the "Gentlemen of the House of
 Lords" who were on the 20th of the
 month of May 1790. The twenty-first party
 was the "Gentlemen of the House of
 Commons" who were on the 27th of the
 month of May 1790. The twenty-second party
 was the "Gentlemen of the House of
 Lords" who were on the 3rd of the
 month of June 1790. The twenty-third party
 was the "Gentlemen of the House of
 Commons" who were on the 10th of the
 month of June 1790. The twenty-fourth party
 was the "Gentlemen of the House of
 Lords" who were on the 17th of the
 month of June 1790. The twenty-fifth party
 was the "Gentlemen of the House of
 Commons" who were on the 24th of the
 month of June 1790. The twenty-sixth party
 was the "Gentlemen of the House of
 Lords" who were on the 1st of the
 month of July 1790. The twenty-seventh party
 was the "Gentlemen of the House of
 Commons" who were on the 8th of the
 month of July 1790. The twenty-eighth party
 was the "Gentlemen of the House of
 Lords" who were on the 15th of the
 month of July 1790. The twenty-ninth party
 was the "Gentlemen of the House of
 Commons" who were on the 22nd of the
 month of July 1790. The thirtieth party
 was the "Gentlemen of the House of
 Lords" who were on the 29th of the
 month of July 1790. The thirty-first party
 was the "Gentlemen of the House of
 Commons" who were on the 5th of the
 month of August 1790. The thirty-second party
 was the "Gentlemen of the House of
 Lords" who were on the 12th of the
 month of August 1790. The thirty-third party
 was the "Gentlemen of the House of
 Commons" who were on the 19th of the
 month of August 1790. The thirty-fourth party
 was the "Gentlemen of the House of
 Lords" who were on the 26th of the
 month of August 1790. The thirty-fifth party
 was the "Gentlemen of the House of
 Commons" who were on the 3rd of the
 month of September 1790. The thirty-sixth party
 was the "Gentlemen of the House of
 Lords" who were on the 10th of the
 month of September 1790. The thirty-seventh party
 was the "Gentlemen of the House of
 Commons" who were on the 17th of the
 month of September 1790. The thirty-eighth party
 was the "Gentlemen of the House of
 Lords" who were on the 24th of the
 month of September 1790. The thirty-ninth party
 was the "Gentlemen of the House of
 Commons" who were on the 1st of the
 month of October 1790. The fortieth party
 was the "Gentlemen of the House of
 Lords" who were on the 8th of the
 month of October 1790. The forty-first party
 was the "Gentlemen of the House of
 Commons" who were on the 15th of the
 month of October 1790. The forty-second party
 was the "Gentlemen of the House of
 Lords" who were on the 22nd of the
 month of October 1790. The forty-third party
 was the "Gentlemen of the House of
 Commons" who were on the 29th of the
 month of October 1790. The forty-fourth party
 was the "Gentlemen of the House of
 Lords" who were on the 5th of the
 month of November 1790. The forty-fifth party
 was the "Gentlemen of the House of
 Commons" who were on the 12th of the
 month of November 1790. The forty-sixth party
 was the "Gentlemen of the House of
 Lords" who were on the 19th of the
 month of November 1790. The forty-seventh party
 was the "Gentlemen of the House of
 Commons" who were on the 26th of the
 month of November 1790. The forty-eighth party
 was the "Gentlemen of the House of
 Lords" who were on the 3rd of the
 month of December 1790. The forty-ninth party
 was the "Gentlemen of the House of
 Commons" who were on the 10th of the
 month of December 1790. The fiftieth party
 was the "Gentlemen of the House of
 Lords" who were on the 17th of the
 month of December 1790. The fifty-first party
 was the "Gentlemen of the House of
 Commons" who were on the 24th of the
 month of December 1790. The fifty-second party
 was the "Gentlemen of the House of
 Lords" who were on the 31st of the
 month of December 1790.

located at 6021 D
Lester Avenue, Irvine CA 92618-1700
The building is located at the intersection of
the road of the city of Irvine, California. It is

March 20, 1865.
Dear Sir,
I have the honor to acknowledge
the receipt of your letter of the 17th inst.,
and in reply to inform you that the same
has been forwarded to the proper authorities
for their consideration.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I. T., OCTOBER 19, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHARLES R. WARD ET AL., as citizens by blood of the Cherokee Nation.

GEORGE W. WARD, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A George W. Ward.

Q What is your age? A 62.

Q What is your post office? A Whiting, Mississippi County, Mo.

Q You have just given testimony in your own enrollment case, have you? A Yes sir.

Q You state that you have a brother named Charles R. Ward? A Yes sir.

Q Did he at one time live in the Cherokee Nation? A Yes sir.

Q You state you came to the Cherokee Nation about 1875 and remained there until the last month in 1880? A Yes sir.

Q Did your brother Charles R. come to the Cherokee Nation at the time you did? A The same time.

Q Did he leave at the same time? A No sir, he left just before I did.

Q Do you know where they went? A To Murray County, Tennessee.

Q Do you know how long he lived there? A No sir.

Q Do you know his present whereabouts? A Yes sir.

Q I believe you state somewhere in Alabama? A I think it was Limestone County, Alabama, the last time I ever heard of him.

Q About how long ago was that? A About 12 years ago.

Q And from the time he left the Cherokee Nation before you went away until about 12 years ago did you keep track of him? A Yes sir.

Q Hear from him from time to time? A There was two years I didn't know anything about where he was, he lost his wife and he ~~was~~ rambled about.

Q Did he ever live in the Cherokee Nation during that period?

A No sir, not that I know of.

Q Have you ever heard of his returning to the Cherokee Nation after he left? A No sir, I wrote to my sister to find out here about a month ago, she was here.

Q When your brother Charles left, did he leave any property in the Cherokee Nation? A Not a thing.

Q And if he ever returned to the Cherokee Nation you don't know it? A No sir, I don't.

Q Have you any reason to believe he ever did? A No sir, I haven't.

Q You don't know whether he is living at this time? A No sir, I don't.

Q You never have heard though of his death? A No sir, but I don't know that he is living, he is younger than I am and he stands as a chance to be living.

- Q And he had some children, did he? A Yes sir.
- Q Do you know the name of his oldest child? A Her name was Fattie, Martha at least, they called her that.
- Q I see on the roll of 1890 a Pat G. Ward? A That is her.
- Q That is Martha? A Yes sir, Martha Catherine.
- Q Did she leave at the time your brother left? A Yes sir.
- Q Do you know anything of the whereabouts of Martha? A No sir, she was with me brother the last time I ever seen her, but she married afterwards, but I don't know who. We were about 60 or 70 miles apart.
- Q Do you know the name of the mother of Martha? A Yes sir.
- Q What is her name? A Her name was Catherine, but when she never was on the roll, died before she reached the Cherokee Nation.
- Q Your brother Charles, he was about the same degree of Cherokee blood as you? A Yes sir, about 1/4.
- Q Did Martha live with Charles? A Durin, the time I kept up with them.
- Q What was the name of his next child? A Ella, no Annie is the name of the next one.
- Q Do you know about how old she is? A She would be about 26 years old now.
- Q She was younger than Fattie? A Yes sir.
- Q Has she been dead a long time? A I don't know.
- Q I notice on the roll of 1890 the name of Leo A. Ward, who would be about 30 or 31 years of age now, do you reckon that could have been Annie? A That was Sallie, her name was Leo but they always called her Sallie. There was a Leo in my other brother's family, the one that died on the road coming here, and his wife lived with my brother Charles, and I guess when he put them on the roll, which ever was the oldest he had them put down first.
- Q And the next child younger than Annie is Ellen? A Yes sir.
- Q Do you know whether she is living? A I do not.
- Q Did she leave the Cherokee Nation with your brother Charles? A Yes sir.
- Q Did she live with him during the time you kept up with him? A Yes sir.
- Q And if she is dead, you don't know it? A No sir.
- Q Was his next child named Charles? A Those are all he had, just them three.
- Q You had another brother that died on the way out here? A Yes sir.
- Q And his wife, what was her name? A Jane.
- Q I notice on the roll of 1890 an E. J. Ward, a female, about 55 years of age? A That is her, her name was Jane.
- Q Is she dead? A I don't know whether she is or not, I aint been keeping up with her much.
- Q Did she come to the Cherokee Nation the time you came in 1875? A Yes sir.
- Q When did she leave? A When my brother did.
- Q Your brother Charles? A Yes sir.
- Q She didn't leave any property in the Cherokee Nation? A Nothing at all.
- Q She had no property when she left here? A No sir.
- Q Do you know of her present whereabouts? A She is in Murray County, not far from Columbia.
- Q Tennessee? A Yes sir.
- Q How long did you keep track of her after she left? A I passed backwards and forwards for 10 or 12 years.

- Q Has she ever returned to the Cherokee Nation? A Not that I know of.
- Q You never heard of it if she has been back? A No sir.
- Q She had some children, did she? A Yes sir.
- Q What were their names? A The oldest one named Hollie.
- Q Did they ever call her Mary? A That was really her name, but they always called her Hollie.
- Q Did she leave at the time her mother, Jane, left? A Yes sir.
- Q What was the name of Mary's father? A His name was Ben.
- Q About what degree of Cherokee blood was Jane? A She was about 1/16 part I guess but those children are more than that.
- Q Mary has lived with her mother so far as you know? A All the while, yes sir.
- Q She never returned to the Cherokee Nation? A Not that I know of.
- Q What was the name of Jane Ward's next child? A Her next child was named Sallie, I don't know whether she was on the roll or not, I think she died before the roll was made.
- Q Was there a child named Loc A.? A Yes sir, Loc Anna was the next one younger than Sallie.
- Q Sallie doesn't appear to be on the roll? A No sir, I don't think she is on the roll at all.
- Q Ben Ward was her father and Jane her mother? A Yes sir.
- Q And Loc Anna lived with her mother? A Yes sir.
- Q Has she ever returned to the Cherokee Nation? A Not that I know of.
- Q And the next child? A That was Charlie?
- Q And Charlie left with his mother did he? A Yes sir.
- Q Has lived with her so far as you know ever since? A Yes sir.
- Q Has never returned to the Cherokee Nation? A Not that I know of.
- Q I find the name of Martha T. Ward on the roll of 1890? A I reckon that must be that oldest daughter of Charles, Martha T. Ward.
- Q You think the name appearing on the roll, after the roll has been examined and the way it appears on there, Martha T. Ward was the one you refer to as being dead and the daughter of Jane Ward and your brother Ben Ward? A Yes sir.
- Q She died while you lived here, that was during the year 1890?
- Q Yes sir, she must have died that year. Well I know she did, she died just a few days before he left here, about a week or ten days.
- Q Now you don't know the post office of any of these relatives of yours? A No sir, I don't know the post of near one of them now.
- Q You have some brothers or sisters living in the Cherokee Nation?
- Q Yes sir, Mrs. Holland and Martha Cloud.
- Q Now if any of these nephews and nieces and brothers and sisters-in-law of yours have ever returned to the Cherokee Nation, do you think you would have heard of it through your sisters? A Yes sir, I wrote a special letter to Mrs. Holland whether they had ever got any of them back here or not and she wrote me if they ever had she didn't know anything about it.
- Q And you have no reason to believe that any of them have ever come back? A No sir, I haven't. I have had a hard struggle myself and they have had a little harder.

- 4-
- Q Now the only ones you have heard of dying were Fatilda and Martha R., called Sallie? A Yes sir, they are the only ones I have ever heard of being dead, except some of Mrs. Holland's family, they died here.
- Q They were the ones living in this country? A Yes sir.
- Q Now Charles R. Ward, your brother, had the same father and mother as you? A Yes sir.
- Q Charles Ward your father, and Mrs. Penaley, your mother? A Yes sir.
- Q Elmer J. and Martha C. were full sisters? A Yes sir.

Copies of this testimony will be filed in the following Doubtful Cherokee Enrollment cases:

Charles R. Ward	C D 1802
E. J. Ward	C D 1803
Mary B. Ward	C D 1804
Lee A. Ward	C D 1806
Mat C. Ward	C D 1807
Elmer J. Ward	C D 1808
Charles Ward	C D 1809.

-----, Oo-----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 24th day of October, 1905.

Edward Munnick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George W. Ward et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

George W. Ward	Cherokee D 1794
Kisira Elvira Bruce	" D 1796
Louvinia Suter	" D 1797
Martha Susan Suter	" D 1798
Cordelia Copeland	" D 1799
George Ward	" D 1800
Charles R. Ward	" D 1802
Martha Catherine Ward	" D 1807
Lee Anna Ward	" D 1806
Eler J. Ward	" D 1808
Charles Ward	" D 1809
H. J. Ward	" D 1803
Mary E. Ward	" D 1804.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made applications for the enrollment of George W. Ward, C. R. Ward, Lee Ward, Mat S. Ward, Cordelia Ward, George Ward, Chas. R. Ward, Mat C. Ward, Lee A. Ward, Eler J. Ward, Chas. Ward, H. J. Ward and Mary E. Ward, their families and descendants, as citizens of the Cherokee Nation. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, July 18, and October 19, 1903, in which it is shown that the application for the enrollment of George W. Ward included himself and his children, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam, Martin Jerome

and Harry Levi Ward; that the correct name of the applicant C. E. Ward on September 1, 1902, was Kizira Elvira Bruce, and she will now be listed for enrollment as Kizira Elvira Bruce; that the application for the enrollment of Kizira Elvira Bruce included herself and her children, Ida, Frank, Eva and Cap Bruce; that the correct name of the applicant Leo Ward, on September 1, 1902, was Louvinia Suter, and she will now be listed for enrollment as Louvinia Suter; that the application for the enrollment of Louvinia Suter included herself and her children, Charlie Washington and John Suter; that the correct name of the applicant Mat S. Ward on September 1, 1902, was Martha Susan Suter, and she will now be listed for enrollment as Martha Susan Suter; that the application for the enrollment of Martha Susan Suter included herself and her children, names unknown; that the correct name of the applicant Cordelia Ward on September 1, 1902, was Cordelia Copeland, and she will now be listed for enrollment as Cordelia Copeland; that the application for the enrollment of Cordelia Copeland included herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; that the correct name of the applicant Mat C. Ward is Martha Catherine Ward, and she will now be listed for enrollment as Martha Catherine Ward.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood, and that the principal applicants, George W. Ward, as George Ward, Kizira Elvira Bruce, as C. E. Ward, Louvinia Suter, as Leo Ward, Martha Susan Suter, as Mat S. Ward, Cordelia Copeland, as Cordelia Ward, George Ward, Charles R. Ward, as Chas. R. Ward, Martha Catherine Ward, as Mat C. Ward, Leo Anna Ward as Leo A. Ward, Elor J. Ward, Charles Ward, as Chas. Ward, E. J. Ward, and Mary E. Ward, are identified on the Cherokee authenticated tribal roll of 1880; that said principal applicants left the Cherokee Nation about the year 1880, and since that time have continuously resided outside the domain of the Five Civilized Tribes, and have neither owned nor controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The evidence further shows that the minor applicants, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, Ida, Frank, Eva and Cap Bruce, Charlie Washington and John Suter, the children of Martha Susan Suter, names unknown, Arthur, Levi, Devore and Lucinda Copeland, are children of the said principal applicants, George W. Ward, Kizira Elvira Bruce, Louvinia Suter, Martha Susan Suter, and Cordelia Copeland, were born since 1880, and possess no rights to enrollment not possessed by their said parents/

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward, and Mary M. Ward, are not entitled to enrollment as citizens by blood of the Cherokee nation, and their applications for enrollment as such are accordingly denied.

(Signed)

Tams Bixby

COMMISSIONER

Dated at Muskogee, Indian Territory,
this Dec 27 1905.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D-1803

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 27, 1905.

E. J. Ward,

Care of George W. Ward,

Whiting, Missouri.

Dear Madam:

There is inclosed herewith a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, said application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,


Commissioner.

Incl. B-73

Register.

Cherokee
D-1794, et al.

Muskogee, Indian Territory, December 27, 1905.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the applications for the enrollment of the applicants embraced in the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of George W. Ward, et al., Cherokee D. 1794, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl B-78

Waskagee, Indian Territory, December 27, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision rejecting the applications for the enrollment of George W. Ward and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, of Kinsira Elvira Bruce and her children, Ida, Frank, Eva and Cap Bruce, of Louvinia Guter and her children, Charlie Washington and John Guter, of Martha Susan Guter and her children, names unknown, of Cordelia Copeland and her children, Arthur, Levi, Devere and Lucinda Copeland, and of George Ward, Charles R. Ward, Martha Catherine Ward, Joe Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary R. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. B-76

Commissioner

Through the

Commissioner of Indian Affairs.

Cherokee
D 1803

COPY.

Muskogee, Indian Territory, June 13, 1906.

R. J. Ward,
C/o George W. Ward,
Whiting, Missouri.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting, among others, the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

Respectfully,

SIGNED:

Tame Dixby.
Commissioner.

MCP

Cherokee
B 1794

COPY.

Muskogee, Indian Territory, June 13, 1906.

V. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the applications for the enrollment of George W. Ward et al, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

Tame Dixby.

Commissioner.

Incl. P-32
WVP

-COPY-

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.

D.C. 22701
I.T.D. 2864-1906.

FILE.

L.R.E.

June 1, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including your decision of the same date, denying the applications of George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tindel Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kisira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devere Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary E. Ward.

Reporting May 25, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

LAND
136-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir;

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee citizens by George W. Ward for himself and his children, Edie Thomas, Joe Miller, John Tindel, Charles Jackson, Sam, Martin Jerome, and Harry Levi Ward; by Kizira Elvira Bruce for herself and her children, Ida, Frank, Eva, and Cap Bruce; of Louvinia Suter for herself and her children, Charlie Washington and John Suter; by Martha Susan Suter for herself and her children, names unknown; by Cordelia Copeland for herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; and by George, Charles R., Martha Catherine, Lou Anna, Elmer J., Charles, E. J., and Mary E. Ward for themselves.

December 27, 1905 the Commissioner decided adversely to all the applicants.

The record shows that all of the applicants are Cherokees by blood, and that the principal applicants, George W. Ward, Kizira Elvira Bruce, Louvinia Suter, Martha Susan Suter,

Gordelia Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer I. Ward, Charles Ward, E. J. Ward, and Mary E. Ward are identified on the 1880 Cherokee authenticated tribal roll; that they left the Cherokee Nation about the year 1880, and since that time have continuously resided outside of the Indian Territory, and have neither owned nor controlled any property in the Cherokee Nation. The record further shows that the minor applicants are children of the principal applicants, were born since 1880, and possess no rights to enrollment not possessed by the said principal applicants.

In view of the record and of Sec. 21 of the act of June 28, 1898 (30 Stats., 495) the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMH
C

Cher R 1011

Trans from Cher D 1804

Cher R 1011

Chas. B. 1896

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emet Starr.
Q What is your age? A Forty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and descendants:

Mary E. Ward, page 401, § 1403, Flint District;
Note: "Left Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this 2 day of August, 1902.

E. C. Bagwell
Notary Public.

Respectfully and with the greatest of respect to the

authorities, the undersigned is an adequate knowledge of the general situation of the country and the progress of the war in the above mentioned cases, and the undersigned to the five divisions of the army, he collected and recorded the

Notes: The undersigned and the five divisions of the army, he collected and recorded the

DEPARTMENT OF THE ARMY
MISSION TO THE FIVE DIVISIONS
FILED
AUG 4 1900

The undersigned and the five divisions of the army, he collected and recorded the

Respectfully and with the greatest of respect to the authorities, the undersigned is an adequate knowledge of the general situation of the country and the progress of the war in the above mentioned cases, and the undersigned to the five divisions of the army, he collected and recorded the

Notes: The undersigned and the five divisions of the army, he collected and recorded the

Cherokee D-1852 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I. T. OCTOBER 19, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHARLES R. WARD ET AL., as citizens by blood of the Cherokee Nation.

GEORGE W. WARD, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A George W. Ward.
- Q What is your age? A 62.
- Q What is your post office? A Whiting, Mississippi County, Mo.
- Q You have just given testimony in your own enrollment case, have you? A Yes sir.
- Q You state that you have a brother named Charles R. Ward? A Yes sir.
- Q Did he at one time live in the Cherokee Nation? A Yes sir.
- Q You state you came to the Cherokee Nation about 1875 and remained there until the last month in 1890? A Yes sir.
- Q Did your brother Charles R. come to the Cherokee Nation at the time you did? A The same time.
- Q Did he leave at the same time? A No sir, he left just before did.
- Q Do you know where they went? A To Murray County, Tennessee.
- Q Do you know how long he lived there? A No sir.
- Q Do you know his present whereabouts? A Yes sir.
- Q I believe you state somewhere in Alabama? A I think it was Limestone County, Alabama, the last time I ever heard of him.
- Q About how long ago was that? A About 12 years ago.
- Q And from the time he left the Cherokee Nation before you went away until about 12 years ago did you keep track of him? A Yes sir.
- Q Hear from him from time to time? A There was two years I didn't know anything about where he was, he lost his wife and he ~~was~~ rambled about.
- Q Did he ever live in the Cherokee Nation during that period? A No sir, not that I know of.
- Q Have you ever heard of his returning to the Cherokee Nation after he left? A No sir, I wrote to my sister to find out here about a month ago, she was here.
- Q When your brother Charles left, did he leave any property in the Cherokee Nation? A Not a thing.
- Q And if he ever returned to the Cherokee Nation you don't know it? A No sir, I don't.
- Q Have you any reason to believe he ever did? A No sir, I haven't.
- Q You don't know whether he is living at this time? A No sir, I don't.
- Q You never have heard though of his death? A No sir, but I don't know that he is living, he is younger than I am and he stands as a chance to be living.

- Q And he had some children, did he? A Yes sir.
- Q Do you know the name of his oldest child? A Her name was Mattie, Martha at first, they called her Mat.
- Q I see on the roll of 1890 a Mat A. Ward? A That is her.
- Q That is Martha A.? A Yes sir, Martha Catherine.
- Q Did she leave at the time your brother left? A Yes sir.
- Q Do you know anything of the whereabouts of Martha? A No sir, she was with me brother the last time I ever seen her, but she married afterwards, but I don't know who. We were about 60 or 70 miles apart.
- Q Do you know the name of the mother of Martha? A Yes sir.
- Q What is her name? A Her name was Catherine, but then she never was on the roll, died before she reached the Cherokee Nation.
- Q Your brother Charles, he was about the same degree of Cherokee blood as you? A Yes sir, about 1/4.
- Q Did Martha live with Charles? A During the time I kept up with them.
- Q What was the name of his next child? A Ella, no Annie is the name of the next one.
- Q Do you know about how old she is? A She would be about 28 years old now.
- Q She was younger than Mattie? A Yes sir.
- Q Has she been dead a long time? A I don't know.
- Q I notice on the roll of 1890 the name of Geo A. Ward, who would be about 30 or 31 years of age now, do you reckon that could have been Annie? A That was Sallie, her name was Geo but they always called her Sallie. There was a Geo in my other brother's family, the one that died on the road coming here, and his wife lived with my brother Charles, and I guess when he put them on the roll, which ever was the oldest he had them put down first.
- Q And the next child younger than Annie is Eller J.? A Yes sir.
- Q Do you know whether she is living? A I do not.
- Q Did she leave the Cherokee Nation with your brother Charles?
- A Yes sir.
- Q Did she live with him during the time you kept up with him? A Yes sir.
- Q And if she is dead, you don't know it? A No sir.
- Q Was his next child named Charles? A Those are all he had, just them three.
- Q You had another brother that died on the way out here? A Yes sir.
- Q And his wife, what was her name? A Jane.
- Q I notice on the roll of 1890 an E. J. Ward, a female, about 20 years of age? A That is her, her name was Jane.
- Q Is she dead? A I don't know whether she is or not, I aint been keeping up with her much.
- Q Did she come to the Cherokee Nation the time you came in 1876?
- A Yes sir.
- Q When did she leave? A When my brother did.
- Q Your brother Charles? A Yes sir.
- Q She didn't leave any property in the Cherokee Nation? A Nothing at all.
- Q She had no property then here when she left here? A No sir.
- Q Do you know of her present whereabouts? A She is in Murray County, not far from Columbia.
- Q Tennessee? A Yes sir.
- Q How long did you keep track of her after she left? A I passed backwards and forwards for 10 or 12 years.

Q Has she ever returned to the Cherokee Nation? A Not that I know of.

Q You never heard of it if she has been back? A No sir.

Q She had some children, did she? A Yes sir.

Q What were their names? A The oldest one named Hollie.

Q Did they ever call her Mary? A That was really her name, but they always called her Hollie.

Q Did she leave at the time her mother, Jane, left? A Yes sir.

Q What was the name of Mary's father? A His name was Ben.

Q About what degree of Cherokee blood was Jane? A She was about 1/16 part I guess, but those children are more than that.

Q Mary has lived with her mother so far as you know? A All the while, yes sir.

Q She never returned to the Cherokee Nation? A Not that I know of.

Q That was the name of Jane Ward's next child? A Her next child was named Sallie, I don't know whether she was on the roll or not, I think she died before the roll was made.

Q Was there a child named Lee A.? A Yes sir, Lee Anna was the next one younger than Sallie.

Q Sallie doesn't appear to be on the roll? A No sir, I don't think she is on the roll at all.

Q Ben Ward was her father and Jane her mother? A Yes sir.

Q And Lee Anna lived with her mother? A Yes sir.

Q Was she ever returned to the Cherokee Nation? A Not that I know of.

Q And the next child? A That was Charlie?

Q And Charlie left with his mother did he? A Yes sir.

Q Has lived with her so far as you know ever since? A Yes sir.

Q Has never returned to the Cherokee Nation? A Not that I know of.

Q I find the name of Martha T. Ward on the roll of 1906? A I reckon that must be that oldest daughter of Charles, Martha T. Ward.

Q You think the name appearing on the roll, after the roll has been examined and the way it appears on there, Martha T. Ward was the one you refer to as being dead and the daughter of Jane Ward and your brother Ben Ward? A Yes sir.

Q She died while you lived here, that was during the year 1900?

Q Yes sir, she must have died that year. Well I know she did, she died just a few days before he left here, about a week or ten days.

Q Now you don't know the post office of any of these relatives of yours? A No sir, I don't know the post of near one of them now.

Q You have some brothers or sisters living in the Cherokee Nation?

Q Yes sir, Mrs. Holland and Martha Cloud.

Q Now if any of these nephews and nieces and brothers and sisters-in-law of yours have ever returned to the Cherokee Nation, do you think you would have heard of it through your sisters? A Yes sir, I wrote a special letter to Mrs. Holland whether they had ever got any of them back here or not and she wrote me if they ever had she didn't know anything about it.

Q And you have no reason to believe that any of them have ever come back? A No sir, I haven't. I have had a hard struggle myself and they have had a little harder.

- Q Now the only ones you have heard of dying were Matilda and
Natcha R., called Sallie? A Yes sir, they are the only ones I
have ever heard of being dead, except some of Mrs. Holland's
family, they died here.
Q They were the ones living in this country? A Yes sir.
Q Now Charles R. Ward, your brother, had the same father and mother
as you? A Yes sir.
Q Charles Ward your father, and Mira Hensley, your mother? A Yes
sir.
Q Elmer F. and Martha G. were full sisters? A Yes sir.

Copies of this testimony will be filed in the following
Doubtful Cherokee Enrollment cases:

Charles R. Ward	C D 1802
E. F. Ward	C D 1803
Mary E. Ward	C D 1804
Lee A. Ward	C D 1806
Mat C. Ward	C D 1807
Elmer F. Ward	C D 1808
Charles Ward	C D 1809.

----- Co -----

George H. Linsley, being first duly sworn, states that as
stenographer to the Commissioner to the Five Civilized Tribes, he re-
ported the proceedings had in the above entitled cause, and that the
above and foregoing is a true and correct transcript of his sten-
ographic notes thereof.

George H. Linsley

Subscribed and sworn to before me this 24th day of October, 1905.

Edward Merriam
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
George W. Ward et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

George W. Ward	Cherokee D 1794
Kizira Elvira Bruce	" D 1796
Louvinia Suter	" D 1797
Martha Susan Suter	" D 1798
Cordelia Copeland	" D 1799
George Ward	" D 1800
Charles R. Ward	" D 1802
Martha Catherine Ward	" D 1807
Lee Anna Ward	" D 1806
Eler J. Ward	" D 1808
Charles Ward	" D 1809
E. J. Ward	" D 1803
Mary E. Ward	" D 1804

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made applications for the enrollment of George W. Ward, C. R. Ward, Lee Ward, Mat S. Ward, Cordelia Ward, George Ward, Chas. R. Ward, Mat C. Ward, Lee A. Ward, Eler J. Ward, Chas. Ward, E. J. Ward and Mary E. Ward, their families and descendants, as citizens of the Cherokee Nation. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, July 18, and October 19, 1905, in which it is shown that the application for the enrollment of George W. Ward included himself and his children, Eddie Thomas, Joe Miller, John Tisdal, Charles Jackson, Sam, Martin Jerome

and Harry Levi Ward; that the correct name of the applicant C. B. Ward on September 1, 1902, was Kizira Elvira Bruce, and she will now be listed for enrollment as Kizira Elvira Bruce; that the application for the enrollment of Kizira Elvira Bruce included herself and her children, Ida, Frank, Eva and Cap Bruce; that the correct name of the applicant Loo Ward, on September 1, 1902, was Louvinia Suter, and she will now be listed for enrollment as Louvinia Suter; that the application for the enrollment of Louvinia Suter included herself and her children, Charlie Washington and John Suter; that the correct name of the applicant Mat S. Ward on September 1, 1902, was Martha Susan Suter, and she will now be listed for enrollment as Martha Susan Suter; that the application for the enrollment of Martha Susan Suter included herself and her children, names unknown; that the correct name of the applicant Cordelia Ward on September 1, 1902, was Cordelia Copeland, and she will now be listed for enrollment as Cordelia Copeland; that the application for the enrollment of Cordelia Copeland included herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; that the correct name of the applicant Mat C. Ward is Martha Catherine Ward, and she will now be listed for enrollment as Martha Catherine Ward.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood, and that the principal applicants, George W. Ward, as George Ward, Kizira Elvira Bruce, as C. B. Ward, Louvinia Suter, as Loo Ward, Martha Susan Suter, as Mat S. Ward, Cordelia Copeland, as Cordelia Ward, George Ward, Charles R. Ward, as Chas. R. Ward, Martha Catherine Ward, as Mat C. Ward, Loo Anna Ward as Loo A. Ward, Elmer J. Ward, Charles Ward, as Chas. Ward, E. J. Ward, and Mary E. Ward, are identified on the Cherokee authenticated tribal roll of 1880; that said principal applicants left the Cherokee Nation about the year 1880, and since that time have continuously resided outside the domain of the Five Civilized Tribes, and have neither owned nor controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The evidence further shows that the minor applicants, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, Ida, Frank, Eva and Cap Bruce, Charlie Washington and John Suter, the children of Martha Susan Suter, names unknown, Arthur, Levi, Devore and Lucinda Copeland, are children of the said principal applicants, George W. Ward, Kizira Elvira Bruce, Louvinia Suter, Martha Susan Suter, and Cordelia Copeland, were born since 1880, and possess no rights to enrollment not possessed by their said parents.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 20, 1898 (30 Stat., 495), George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, B. J. Ward, and Mary E. Ward, are not entitled to enrollment as citizens by blood of the Cherokee nation, and their applications for enrollment as such are accordingly denied.

(Signed)

Tams Bixby

COMMISSIONER

Dated at Muskogee, Indian Territory,
this Dec 27 1905.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D-1804

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 27, 1905.

Mary E. Ward,
Care of George W. Ward,
Whiting, Missouri.

Dear Madam:

There is inclosed herewith a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, said application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,



Commissioner.

Incl. B-74

Register.

Cherokee
D-1794, et al.

Muskogee, Indian Territory, December 27, 1908.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1908, rejecting the applications for the enrollment of the applicants embraced in the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of George W. Ward, et al., Cherokee D. 1794, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl B-75

Commissioner.

Muskogee, Indian Territory, December 27, 1905

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision rejecting the applications for the enrollment of George W. Ward and his children, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, of Kizira Elvira Bruce and her children, Ida, Frank, Eva and Cap Bruce, of Louvinia Suter and her children, Charlie Washington and John Suter, of Martha Susan Suter and her children, names unknown, of Cordelia Copeland and her children, Arthur, Levi, Devora and Lucinda Copeland, and of George Ward, Charles R. Ward, Martha Catherine Ward, Joe Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary R. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. B-76

Commissioner

Through the

Commissioner of Indian Affairs.

Cherokee
D 1804

COPY.

Muskogee, Indian Territory, June 13, 1906.

Mary E. Ward,
C/o George W. Ward,
Whiting, Missouri.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting, among others, the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

Respectfully,

(SIGNED).

Tame Bixby.
Commissioner.

MMP

Cherokee
D 1704

COPY.

Muskogee, Indian Territory, June 13, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the applications for the enrollment of George W. Ward et al, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED).

Tamm Bixby.

Commissioner.

Incl. P-32
MWP

-COPY-

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.

FHE.

D.C. 22791
I.T.D. 2864-1906.

L.R.S.

June 1, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including your decision of the same date, denying the applications of George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Eler J. Ward, Charles Ward, E. J. Ward and Mary E. Ward.

Reporting May 25, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

LAND
136-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee citizens by George W. Ward for himself and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome, and Harry Levi Ward; by Kizira Elvira Bruce for herself and her children, Ida, Frank, Eva, and Cap Bruce; of Louvinia Suter for herself and her children, Charlie Washington and John Suter; by Martha Susan Suter for herself and her children, names unknown; by Cordelia Copeland for herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; and by George, Charles R., Martha Catherine, Lou Anna, Eler J., Charles, E. J., and Mary E. Ward for themselves.

December 27, 1905 the Commissioner decided adversely to all the applicants.

The record shows that all of the applicants are Cherokees by blood, and that the principal applicants, George W. Ward, Kizira Elvira Bruce, Louvinia Suter, Martha Susan Suter,

Cordelia Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward are identified on the 1880 Cherokee authenticated tribal roll; that they left the Cherokee Nation about the year 1880, and since that time have continuously resided outside of the Indian Territory, and have neither owned nor controlled any property in the Cherokee Nation. The record further shows that the minor applicants are children of the principal applicants, were born since 1880, and possess no rights to enrollment not possessed by the said principal applicants.

In view of the record and of Sec. 21 of the act of June 28, 1898 (30 Stats., 498) the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMK
C

Cher R 1012

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3 1000

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1890
Cherokee roll, their families and descendants:

Lee A. Ward, page 601 # 1467, Flint District;
Note: "Left Nation and lives in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

REPORT BY THE BOARD OF PEOPLE'S RIGHTS OF THE

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The following is an account of the proceedings of the
meeting and the results of the same, as reported by the
committee on the part of the Five Civilized Tribes, and
the general impression of the same, as reported by the

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OFFICE OF THE
DIRECTOR TO THE FIVE CIVILIZED TRIBES
FILED
AUG 4 1906

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the general impression of the same, as reported by the

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
AT WASHINGTON, D. C., OCTOBER 19, 1908.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHARLES R. WARD ET AL., as citizens by blood of the Cherokee Nation.

GEORGE W. WARD, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A George W. Ward.

Q What is your age? A 62.

Q What is your post office? A Whiting, Mississippi County, Mo.

Q You have just given testimony in your own enrollment case, have you? A Yes sir.

Q You state that you have a brother named Charles R. Ward? A Yes sir.

Q Did he at one time live in the Cherokee Nation? A Yes sir.

Q You state you came to the Cherokee Nation about 1875 and remained there until the last month in 1880? A Yes sir.

Q Did your brother Charles R. come to the Cherokee Nation at the time you did? A The same time.

Q Did he leave at the same time? A No sir, he left just before I did.

Q Do you know where they went? A To Murray County, Tennessee.

Q Do you know how long he lived there? A No sir.

Q Do you know his present whereabouts? A Yes sir.

Q I believe you state somewhere in Alabama? A I think it was Limestone County, Alabama, the last time I ever heard of him.

Q About how long ago was that? A About 12 years ago.

Q And from the time he left the Cherokee Nation before you went away until about 12 years ago did you keep track of him? A Yes sir.

Q Hear from him from time to time? A There was two years I didn't know anything about where he was, he lost his wife and he ~~was~~ rambled about.

Q Did he ever live in the Cherokee Nation during that period?

A No sir, not that I know of.

Q Have you ever heard of his returning to the Cherokee Nation after he left? A No sir, I wrote to my sister to find out here about a month ago, she was here.

Q When your brother Charles left, did he leave any property in the Cherokee Nation? A Not a thing.

Q And if he ever returned to the Cherokee Nation you don't know it? A No sir, I don't.

Q Have you any reason to believe he ever did? A No sir, I haven't.

Q You don't know whether he is living, at this time? A No sir, I don't.

Q You never have heard though of his death? A No sir, but I don't know that he is living, he is younger than I am and he stands at a chance to be living.

- Q And he had some children, did he? A Yes sir.
- Q Do you know the name of his oldest child? A Her name was Mattie, Martha at least, they called her that.
- Q I see on the roll of 1880 a Mat J. Ward? A That is her.
- Q That is Martha J.? A Yes sir, Martha Catherine.
- Q Did she leave at the time your brother left? A Yes sir.
- Q Do you know anything of the whereabouts of Martha? A No sir, she was with me brother the last time I ever seen her, but she married afterwards, but I don't know who. We were about 60 or 70 miles apart.
- Q Do you know the name of the mother of Martha? A Yes sir.
- Q What is her name? A Her name was Catherine, but when she never was on the roll, died before she reached the Cherokee Nation.
- Q Your brother Charles, he was about the same degree of Cherokee blood as you? A Yes sir, about 1/4.
- Q Did Martha live with Charles? A During the time I kept up with them.
- Q What was the name of his next child? A Ella, or Annie is the name of the next one.
- Q Do you know about how old she is? A She would be about 20 years old now.
- Q She was younger than Mattie? A Yes sir.
- Q Has she been dead a long time? A I don't know.
- Q I notice on the roll of 1880 the name of Leo A. Ward, who would be about 30 or 31 years of age now, do you reckon that could have been Annie? A That was Sallie, her name was Joe but they always called her Sallie. There was a Joe in my other brother's family, the one that died on the road coming here, and his wife lived with my brother Charles, and I guess when he put them on the roll, which ever was the oldest he had then put down first.
- Q And the next child younger than Annie is Killer J.? A Yes sir.
- Q Do you know whether she is living? A I do not.
- Q Did she leave the Cherokee Nation with your brother Charles?
- A Yes sir.
- Q Did she live with him during the time you kept up with him? A Yes sir.
- Q And if she is dead, you don't know it? A No sir.
- Q Was his next child named Charles? A Those are all he had, just them three.
- Q You had another brother that died on the way out here? A Yes sir.
- Q And his wife, what was her name? A Jane.
- Q I notice on the roll of 1880 an E. J. Ward, a female, about 35 years of age? A That is her, her name was Jane.
- Q Is she dead? A I don't know whether she is or not, I aint been keeping up with her much.
- Q Did she come to the Cherokee Nation the time you came in 1875?
- A Yes sir.
- Q When did she leave? A When my brother did.
- Q Your brother Charles? A Yes sir.
- Q She didn't leave any property in the Cherokee Nation? A Nothing at all.
- Q She had no property then here when she left here? A No sir.
- Q Do you know of her present whereabouts? A She is in Murray County, not far from Columbia.
- Q Tennessee? A Yes sir.
- Q How long did you keep track of her after she left? A I passed backwards and forwards for 10 or 12 years.

- Q Has she ever returned to the Cherokee Nation? A Not that I know of.
- Q You never heard of it if she has been back? A No sir.
- Q She had some children, did she? A Yes sir.
- Q What were their names? A The oldest one named Hollie.
- Q Did they ever call her Mary? A That was really her name, but they always called her Hollie.
- Q Did she leave at the time her mother, Jane, left? A Yes sir.
- Q What was the name of Mary's father? A His name was Ben.
- Q About what degree of Cherokee blood was Jane? A She was about 1/16 part I guess, but these children are more than that.
- Q Mary has lived with her mother so far as you know? A All the while, yes sir.
- Q She never returned to the Cherokee Nation? A Not that I know of.
- Q What was the name of Jane Ward's next child? A Her next child was named Sallie, I don't know whether she was on the roll or not, I think she died before the roll was made.
- Q Was there a child named Loo A.? A Yes sir, Loo Anna was the next one younger than Sallie.
- Q Sallie doesn't appear to be on the roll? A No sir, I don't think she is on the roll at all.
- Q Ben Ward was her father and Jane her mother? A Yes sir.
- Q And Loo Anna lived with her mother? A Yes sir.
- Q Was she ever returned to the Cherokee Nation? A Not that I know of.
- Q And the next child? A That was Charlie?
- Q And Charlie left with his mother did he? A Yes sir.
- Q Has lived with her so far as you know ever since? A Yes sir.
- Q Has never returned to the Cherokee Nation? A Not that I know of.
- Q I find the name of Martha E. Ward on the roll of 1890? A I reckon that must be that oldest daughter of Charles, Martha E. Ward.
- Q You think the name appearing on the roll, after the roll has been examined and the way it appears on there, Martha E. Ward was the one you refer to as being dead and the daughter of Jane Ward and your brother Ben Ward? A Yes sir.
- Q She died while you lived here, that was during the year 1888?
- Q Yes sir, she must have died that year. Well I know she did, she died just a few days before he left here, about a week or ten days.
- Q Now you don't know the post office of any of these relatives of yours? A No sir, I don't know the post of near one of them now.
- Q You have some brothers or sisters living in the Cherokee Nation? Yes sir, Mrs. Holland and Martha Cloud.
- Q Now if any of these nephews and nieces and brothers and sisters-in-law of yours have ever returned to the Cherokee Nation, do you think you would have heard of it through your sisters? A Yes sir, I wrote a special letter to Mrs. Holland whether they had ever got any of them back here or not and she wrote me if they ever had she didn't know anything about it.
- Q And you have no reason to believe that any of them have ever come back? A No sir, I haven't. I have had a hard struggle myself and they have had a little harder.

- Q. Was the only ones you have heard of dying were Matilda and Martha E., called Hallie? A. Yes sir, they are the only two I have ever heard of being dead, except some of Mrs. Holland's family, they died here.
- Q. They were the ones living in this country? A. Yes sir.
- Q. Now Charles R. Ward, your brother, had the same father and mother as you? A. Yes sir.
- Q. Charles Ward your father, and Mira Hensley, your mother? A. Yes sir.
- Q. Elmer J. and Martha C. were full sisters? A. Yes sir.

Copies of this testimony will be filed in the following Doubtful Cherokee Enrollment cases:

Charles R. Ward	C D 1802
Elmer J. Ward	C D 1803
Mary E. Ward	C D 1804
Leo A. Ward	C D 1806
Mat C. Ward	C D 1807
Elmer J. Ward	C D 1808
Charles Ward	C D 1809.

George H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 24th day of October, 1906.

Edward H. ...
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George W. Ward et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

George W. Ward	Cherokee D 1794
Nisira Elvira Bruce	" D 1796
Louvinia Suter	" D 1797
Martha Susan Suter	" D 1798
Cordelia Copeland	" D 1799
George Ward	" D 1800
Charles R. Ward	" D 1802
Martha Catherine Ward	" D 1807
Lee Anna Ward	" D 1808
Eler J. Ward	" D 1808
Charles Ward	" D 1809
E. J. Ward	" D 1803
Mary E. Ward	" D 1804.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made applications for the enrollment of George W. Ward, C. E. Ward, Lee Ward, Mat S. Ward, Cordelia Ward, George Ward, Chas. R. Ward, Mat C. Ward, Lee A. Ward, Eler J. Ward, Chas. Ward, E. J. Ward and Mary E. Ward, their families and descendants, as citizens of the Cherokee Nation. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, July 18, and October 19, 1905, in which it is shown that the application for the enrollment of George W. Ward included himself and his children, Eddie Thomas, Joe Miller, John Tisdal, Charles Jackson, Sam, Martin Jerome

and Harry Levi Ward; that the correct name of the applicant C. E. Ward on September 1, 1902, was Kinsira Elvira Bruce, and she will now be listed for enrollment as Kinsira Elvira Bruce; that the application for the enrollment of Kinsira Elvira Bruce included herself and her children, Ida, Frank, Eva and Gay Bruce; that the correct name of the applicant Lee Ward, on September 1, 1902, was Louvinia Suter, and she will now be listed for enrollment as Louvinia Suter; that the application for the enrollment of Louvinia Suter included herself and her children, Charlie Washington and John Suter; that the correct name of the applicant Mat S. Ward on September 1, 1902, was Martha Susan Suter, and she will now be listed for enrollment as Martha Susan Suter; that the application for the enrollment of Martha Susan Suter included herself and her children, names unknown; that the correct name of the applicant Cordelia Ward on September 1, 1902, was Cordelia Copeland, and she will now be listed for enrollment as Cordelia Copeland; that the application for the enrollment of Cordelia Copeland included herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; that the correct name of the applicant Mat C. Ward is Martha Catherine Ward, and she will now be listed for enrollment as Martha Catherine Ward.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood, and that the principal applicants, George W. Ward, as George Ward, Kinsira Elvira Bruce, as C. E. Ward, Louvinia Suter, as Lee Ward, Martha Susan Suter, as Mat S. Ward, Cordelia Copeland, as Cordelia Ward, George Ward, Charles R. Ward, as Chas. R. Ward, Martha Catherine Ward, as Mat C. Ward, Lee Anna Ward as Lee A. Ward, Elmer J. Ward, Charles Ward, as Chas. Ward, E. J. Ward, and Mary E. Ward, are identified on the Cherokee authenticated tribal roll of 1880; that said principal applicants left the Cherokee Nation about the year 1880, and since that time have continuously resided outside the domain of the Five Civilized Tribes, and have neither owned nor controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The evidence further shows that the minor applicants, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, Ida, Frank, Eva and Gay Bruce, Charlie Washington and John Suter, the children of Martha Susan Suter, names unknown, Arthur, Levi, Devore and Lucinda Copeland, are children of the said principal applicants, George W. Ward, Kinsira Elvira Bruce, Louvinia Suter, Martha Susan Suter, and Cordelia Copeland, were born since 1880, and possess no rights to enrollment not possessed by their said parents.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Elar J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward, are not entitled to enrollment as citizens by blood of the Cherokee nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Birby

COMMISSIONER

Dated at Muskogee, Indian Territory,
this Dec 27 1905.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D-1806

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *AK*

Muskogee, Indian Territory, December 27, 1905.

Loo Anna Ward,
Care of George W. Ward,
Whiting, Missouri.

Dear Madam:

There is inclosed herewith a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, said application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,



Commissioner.

Incl. B-70

Register.

Cherokee
D-1794, et al.

Muskogee, Indian Territory, December 27, 1905.

V. V. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the applications for the enrollment of the applicants embraced in the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of George W. Ward, et al., Cherokee D. 1794, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl D-75

Muskogee, Indian Territory, December 27, 1905

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision rejecting the applications for the enrollment of George W. Ward and his children, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, of Kisira Elvira Bruce and her children, Ida, Frank, Eva and Cap Bruce, of Louvinia Guter and her children, Charlie Washington and John Guter, of Martha Susan Guter and her children, names unknown, of Cordelia Copeland and her children, Arthur, Levi, Devere and Lucinda Copeland, and of George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary E. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. B-76

Commissioner

Through the

Commissioner of Indian Affairs.

Cherokee
D1806

COPY.

Muskogee, Indian Territory, June 13, 1906.

Lee Anna Ward,
C/o George W. Ward,
Whiting, Missouri.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting among others, application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

Respectfully,

SIGNED:

Tams Bixby.
Commissioner.

WCP

COPY.

Cherokee
D 1794

Muskogee, Indian Territory, June 13, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the applications for the enrollment of George W. Ward et al, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED).

Tams Pixby.
Commissioner.

Incl.P-32
HMP

-COPY-

DEPARTMENT OF THE INTERIOR,

Y.P.

D.O. 22791
I.T.D. 2864-1906.

WASHINGTON.

Y.H.

L.R.S.

June 1, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including your decision of the same date, denying the applications of George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tiedel Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary E. Ward.

Reporting May 25, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Jesse H. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAWS:
136-1906.

May 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee citizens by George W. Ward for himself and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome, and Harry Levi Ward; by Kisira Elvira Bruce for herself and her children, Ida, Frank, Eva, and Cap Bruce; of Louvinia Suter for herself and her children, Charlie Washington and John Suter; by Martha Susan Suter for herself and her children, names unknown; by Cordelia Copeland for herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; and by George, Charles R., Martha Catherine, Lou Anna, Elmer J., Charles, E. J., and Mary E. Ward for themselves.

December 27, 1905 the Commissioner decided adversely to all the applicants.

The record shows that all of the applicants are Cherokees by blood; and that the principal applicants, George W. Ward, Kisira Elvira Bruce, Louvinia Suter, Martha Susan Suter,

-2-

Gordelia Copeland, George Ward, Charles E. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward are identified on the 1880 Cherokee authenticated tribal roll; that they left the Cherokee Nation about the year 1860, and since that time have continuously resided outside of the Indian Territory, and have neither owned nor controlled any property in the Cherokee Nation. The record further shows that the minor applicants are children of the principal applicants, were born since 1880, and possess no rights to enrollment not possessed by the said principal applicants.

In view of the record and of Sec. 21 of the act of June 28, 1898 (30 Stat., 495) the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Larrabee,
Acting Commissioner.

MMH
6

Cher R 1013

Trans from Cher D 1807

Cher R 1013

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation.

JAMES STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A James Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes Sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1896
Cherokee roll, their families and descendants:

Wm. V. Wain, page 421, § 1422, Flint District;
Wm. "Lost Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

...and

... ..

... ..

DEPT. OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
FILED
JUN 1 1961

... ..

... ..

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
WUHOGE, I. T. OCTOBER 19, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHARLES R. WARD ET AL., as citizens by blood of the Cherokee Nation.

GEORGE W. WARD, being first duly sworn, testified as follows:

ON EXAMINATION OF THE COMMISSIONER:

- Q What is your name? A George W. Ward.
- Q What is your age? A 62.
- Q What is your post office? A Whiting, Mississippi County, Mo.
- Q You have just given testimony in your own enrollment case, have you? A Yes sir.
- Q You state that you have a brother named Charles R. Ward? A Yes sir.
- Q Did he at one time live in the Cherokee Nation? A Yes sir.
- Q You state you came to the Cherokee Nation about 1876 and remained there until the last month in 1876? A Yes sir.
- Q Did your brother Charles R. come to the Cherokee Nation at the time you did? A The same time.
- Q Did he leave at the same time? A No sir, he left just before I did.
- Q Do you know where they went? A To Murray County, Tennessee.
- Q Do you know how long he lived there? A No sir.
- Q Do you know his present whereabouts? A Yes sir.
- Q I believe you state somewhere in Alabama? A I think it was Limestone County, Alabama, the last time I ever heard of him.
- Q About how long ago was that? A About 12 years ago.
- Q And from the time he left the Cherokee Nation before you went away until about 12 years ago did you keep track of him? A Yes sir.
- Q Hear from him from time to time? A There was two years I didn't know anything about where he was, he lost his wife and he ~~was~~ rambled about.
- Q Did he ever live in the Cherokee Nation during that period? A No sir, not that I know of.
- Q Have you ever heard of his returning to the Cherokee Nation after he left? A No sir, I wrote to my sister to find out here about a month ago, she was here.
- Q When your brother Charles left, did he leave any property in the Cherokee Nation? A Not a thing.
- Q And if he ever returned to the Cherokee Nation you don't know it? A No sir, I don't.
- Q Have you any reason to believe he ever did? A No sir, I haven't.
- Q You don't know whether he is living at this time? A No sir, I don't.
- Q You never have heard though of his death? A No sir, but I don't know that he is living, he is younger than I am and he stands as a chance to be living.

- Q And he had some children, did he? A Yes sir.
- Q Do you know the name of his eldest child? A Her name was Fattie, Martha at least, they called her that.
- Q I see on the roll of 1880 that C. Ward? A That is her.
- Q That is Martha? A Yes sir, Martha Catherine.
- Q Did she leave at the time your brother left? A Yes sir.
- Q Do you know anything of the whereabouts of Martha? A No sir, she was with my brother the last time I ever seen her, but she married afterwards, but I don't know who. We were about 60 or 70 miles apart.
- Q Do you know the name of the mother of Martha? A Yes sir.
- Q What is her name? A Her name was Catherine, but when she never was on the roll, died before she reached the Cherokee Nation.
- Q Your brother Charles, he was about the same degree of Cherokee blood as you? A Yes sir, about 1/4.
- Q Did Martha live with Charles? A During the time I kept up with them.
- Q What was the name of his next child? A Elle, no Annie is the name of the next one.
- Q Do you know about how old she is? A She would be about 28 years old now.
- Q She was younger than Fattie? A Yes sir.
- Q Has she been dead a long time? A I don't know.
- Q I notice on the roll of 1880 the name of Leo A. Ward, who would be about 30 or 31 years of age now, do you reckon that could have been Annie? A That was Sallie, her name was Leo but they always called her Sallie. There was a Leo in my other brother's family, the one that died on the road coming here, and his wife lived with my brother Charles, and I guess when he put them on the roll, which ever was the oldest he had them put down first.
- Q And the next child younger than Annie is Miller J.? A Yes sir.
- Q Do you know whether she is living? A I do not.
- Q Did she leave the Cherokee Nation with your brother Charles? A Yes sir.
- Q Did she live with him during the time you kept up with him? A Yes sir.
- Q And if she is dead, you don't know it? A No sir.
- Q Was his next child named Charles? A Those are all he had, just them three.
- Q You had another brother that died on the way out here? A Yes sir.
- Q And his wife, what was her name? A Jane.
- Q I notice on the roll of 1880 an R. J. Ward, a female, about 35 years of age? A That is her, her name was Jane.
- Q Is she dead? A I don't know whether she is or not, I aint been keeping up with her much.
- Q Did she come to the Cherokee Nation the time you came in 1875? A Yes sir.
- Q When did she leave? A When my brother did.
- Q Your brother Charles? A Yes sir.
- Q She didn't leave any property in the Cherokee Nation? A Nothing at all.
- Q She had no property then here when she left here? A No sir.
- Q Do you know of her present whereabouts? A She is in Murray County, not far from Columbia.
- Q Tennessee? A Yes sir.
- Q How long did you keep track of her after she left? A I passed backwards and forwards for 10 or 12 years.

- Q Has she ever returned to the Cherokee Nation? A Not that I know of.
- Q You never heard of it if she has been back? A No sir.
- Q She had some children, did she? A Yes sir.
- Q What were their names? A The eldest one named Nellie.
- Q Did they ever call her Mary? A That was really her name, but they always called her Nellie.
- Q Did she leave at the time her mother, Jane, left? A Yes sir.
- Q What was the name of Mary's father? A His name was Ben.
- Q About what degree of Cherokee blood was Jane? A She was about 1/16 part I guess, but these children are more than that.
- Q Mary has lived with her mother as far as you know? A All the while, yes sir.
- Q She never returned to the Cherokee Nation? A Not that I know of.
- Q What was the name of Jane Ward's next child? A Her next child was named Nellie, I don't know whether she was on the roll or not, I think she died before the roll was made.
- Q Was there a child named Lee A.? A Yes sir, Lee Anna was the next one younger than Nellie.
- Q Nellie doesn't appear to be on the roll? A No sir, I don't think she is on the roll at all.
- Q Ben Ward was her father and Jane her mother? A Yes sir.
- Q And Lee Anna lived with her mother? A Yes sir.
- Q Has she ever returned to the Cherokee Nation? A Not that I know of.
- Q And the next child? A That was Charlie?
- Q And Charlie left with his mother did he? A Yes sir.
- Q Has lived with her as far as you know ever since? A Yes sir.
- Q Has never returned to the Cherokee Nation? A Not that I know of.
- Q I find the name of Martha B. Ward on the roll of 1867? A I reckon that must be that eldest daughter of Charles, Martha B. Ward.
- Q You think the name appearing on the roll, after the roll has been examined and the way it appears on there, Martha B. Ward was the one you refer to as being dead and the daughter of Jane Ward and your brother Ben Ward? A Yes sir.
- Q She died while you lived here, that was during the year 1867?
- A Yes sir, she must have died that year. Well I know she did, she died just a few days before he left here, about a week or ten days.
- Q Now you don't know the post office of any of these relatives of yours? A No sir, I don't know the post of near one of them now.
- Q You have some brothers or sisters living in the Cherokee Nation?
- A Yes sir, Mrs. Holland and Martha Cloud.
- Q Now if any of these nephews and nieces and brothers and sisters-in-law of yours have ever returned to the Cherokee Nation, do you think you would have heard of it through your sisters? A Yes sir, I wrote a special letter to Mrs. Holland whether they had ever got any of them back here or not and she wrote me if they ever had she didn't know anything about it.
- Q And you have no reason to believe that any of them have ever come back? A No sir, I haven't. I have had a hard struggle myself and they have had a little harder.

- Q Now the only ones you have heard of dying were Matilda and Martha R., called Sallie? A Yes sir, they are the only ones I have ever heard of being dead, except some of Mrs. Holland's family, they died here.
- Q They were the ones living in this country? A Yes sir.
- Q Now Charles R. Ward, your brother, had the same father and mother as you? A Yes sir.
- Q Charles Ward your father, and Mrs. Hensley, your mother? A Yes sir.
- Q Elmer J. and Martha C. were full sisters? A Yes sir.

Copies of this testimony will be filed in the following Doubtful Cherokee Enrollment cases:

Charles L. Ward	C D 1802
E. J. Ward	C D 1803
Mary E. Ward	C D 1804
Lee A. Ward	C D 1806
Mat C. Ward	C D 1807
Elmer J. Ward	C D 1808
Charles Ward	C D 1809

George H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 24th day of October, 1903.

Edward Merriam
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
George W. Ward et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

George W. Ward	Cherokee D 1794
Kinira Alvira Bruce	" D 1796
Lowvinia Suter	" D 1797
Martha Susan Suter	" D 1798
Cordelia Copeland	" D 1799
George Ward	" D 1800
Charles R. Ward	" D 1802
Martha Catherine Ward	" D 1807
Lee Anna Ward	" D 1808
Eler J. Ward	" D 1808
Charles Ward	" D 1809
E. J. Ward	" D 1803
Mary E. Ward	" D 1804.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1908, Ernest Starr appeared before the Commission to the Five Civilized Tribes and made applications for the enrollment of George W. Ward, C. R. Ward, Lee Ward, Mat S. Ward, Cordelia Ward, George Ward, Chas. R. Ward, Mat C. Ward, Lee A. Ward, Eler J. Ward, Chas. Ward, E. J. Ward and Mary E. Ward, their families and descendants, as citizens of the Cherokee Nation. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, July 18, and October 19, 1908, in which it is shown that the application for the enrollment of George W. Ward included himself and his children, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam, Martin Jerome

and Harry Levi Ward; that the correct name of the applicant G. E. Ward on September 1, 1902, was Kizira Elvira Bruce, and she will now be listed for enrollment as Kizira Elvira Bruce; that the application for the enrollment of Kizira Elvira Bruce included herself and her children, Ida, Frank, Eva and Cap Bruce; that the correct name of the applicant Lee Ward, on September 1, 1902, was Louvinia Suter, and she will now be listed for enrollment as Louvinia Suter; that the application for the enrollment of Louvinia Suter included herself and her children, Charlie Washington and John Suter; that the correct name of the applicant Mat S. Ward on September 1, 1902, was Martha Susan Suter, and she will now be listed for enrollment as Martha Susan Suter; that the application for the enrollment of Martha Susan Suter included herself and her children, names unknown; that the correct name of the applicant Cordelia Ward on September 1, 1902, was Cordelia Copeland, and she will now be listed for enrollment as Cordelia Copeland; that the application for the enrollment of Cordelia Copeland included herself and her children, Arthur, Levi, Devere, and Lucinda Copeland; that the correct name of the applicant Mat C. Ward is Martha Catherine Ward, and she will now be listed for enrollment as Martha Catherine Ward.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood, and that the principal applicants, George W. Ward, as George Ward, Kizira Elvira Bruce, as G. E. Ward, Louvinia Suter, as Leo Ward, Martha Susan Suter, as Mat S. Ward, Cordelia Copeland, as Cordelia Ward, George Ward, Charles R. Ward, as Chas. R. Ward, Martha Catherine Ward, as Mat C. Ward, Lee Anna Ward as Leo A. Ward, Elor J. Ward, Charles Ward, as Chas. Ward, E. J. Ward, and Mary E. Ward, are identified on the Cherokee authenticated tribal roll of 1880; that said principal applicants left the Cherokee Nation about the year 1880, and since that time have continuously resided outside the domain of the Five Civilized Tribes, and have neither owned nor controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The evidence further shows that the minor applicants, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, Ida, Frank, Eva and Cap Bruce, Charlie Washington and John Suter, the children of Martha Susan Suter, names unknown, Arthur, Levi, Devere and Lucinda Copeland, are children of the said principal applicants, George W. Ward, Kizira Elvira Bruce, Louvinia Suter, Martha Susan Suter, and Cordelia Copeland, were born since 1880, and possess no rights to enrollment not possessed by their said parents.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 496), George W. Ward, Nedie Thomas Ward, Joe Miller Ward, John Tiedel Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Elvira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward, are not entitled to enrollment as citizens by blood of the Cherokee nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tamm Dixie

COMMISSIONER

Dated at Muskogee, Indian Territory,
this Dec 27 1905.

REFER IN REPLY TO THE FOLLOWING

Cherokee
D-1807

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JH*

Muskogee, Indian Territory, December 27, 1905.

Martha Catherine Ward,
Care of George W. Ward,
Whiting, Missouri.

Dear Madam:

There is inclosed herewith a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, said application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,



Commissioner.

Incl B-69

Register.

Cherokee
D-1794, et al.

Muskogee, Indian Territory, December 27, 1908.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1908, rejecting the applications for the enrollment of the applicants embraced in the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of George W. Ward, et al., Cherokee D. 1794, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Isal D-75

Commissioner.

Muskogee, Indian Territory, December 27, 1908

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision rejecting the applications for the enrollment of George W. Ward and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, of Kinsira Elvira Bruce and her children, Ida, Frank, Eva and Cap Bruce, of Louvinia Guter and her children, Charlie Washington and John Guter, of Martha Susan Guter and her children, names unknown, of Cordelia Copeland and her children, Arthur, Levi, Devore and Lucinda Copeland, and of George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary E. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. B-76

Commissioner

Through the

Commissioner of Indian Affairs.

Cherokee
D 1807

COPY.

Muskogee, Indian Territory, June 13, 1906.

Martha Catherine Ward,
C/o George W. Ward,
Whiting, Missouri.

Dear Madam:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes dated December
27, 1905, rejecting, among others, the application for your
enrollment as a citizen by blood of the Cherokee Nation,
was affirmed by the Secretary of the Interior on June 1, 1906.

Respectfully,

CRONED:

Tams Bixby.
Commissioner.

MMP

COPY.

Cherokee
D 1704

Muskogee, Indian Territory, June 13, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the applications for the enrollment of George W. Ward et al, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

Tams Dixby.
Commissioner.

Incl.P-32
MCP

-COEX-

Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

FILE.

D.C. 22791

I.T.D. 9864-1906.

June 1, 1906.

R.R.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including your decision of the same date, denying the applications of George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kisira Elavira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Euter, Charlie Washington Euter, John Euter, Martha Susan Euter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devere Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Kler J. Ward, Charles Ward, E. J. Ward and Mary M. Ward.

Reporting May 25, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

James M. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

LAND
116-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee citizens by George W. Ward for himself and his children, Eddie Thomas, Joe Miller, John Tindel, Charles Jackson, Sam, Martin Jerome, and Harry Levi Ward; by Klaira Elvira Bruce for herself and her children, Ida, Frank, Eva, and Cap Bruce; of Louvinia Suter for herself and her children, Charlie Washington and John Suter; by Martha Susan Suter for herself and her children, names unknown; by Gerdelia Copeland for herself and her children, Arthur, Levi, Devere, and Lucinda Copeland; and by George, Charles R., Martha Catherine, Lou Anna, Elmer J., Charles, M. J., and Mary E. Ward for themselves.

December 27, 1905 the Commissioner decided adversely to all the applicants.

The record shows that all of the applicants are Cherokees by blood, and that the principal applicants, George W. Ward, Klaira Elvira Bruce, Louvinia Suter, Martha Susan Suter,

Cordelia Copeland, George Ward, Charles E. Ward, Martha Catherine Ward, Lee Anna Ward, Elzer J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward are identified on the 1880 Cherokee authenticated tribal roll; that they left the Cherokee Nation about the year 1880, and since that time have continuously resided outside of the Indian Territory, and have neither owned nor controlled any property in the Cherokee Nation. The record further shows that the minor applicants are children of the principal applicants, were born since 1880, and possess no rights to enrollment not possessed by the said principal applicants.

In view of the record and of Sec. 21 of the act of June 28, 1898 (30 Stats., 495) the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMH
C

Cher R 1014

Trans from Cher D 1808

Cher R 1014

Case D 1234

Department of the Interior,
Commission to the Five Civilized Tribes,
Wahkogie, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, JR.,
for enrollment as citizens of the Cherokee Nation:

JAMES STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A James Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and descendants:

Elton J. Ward, page 451, # 1405, Flint District;
Note: "Left Nation and live in Tennessee".

W. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

THE UNIVERSITY OF CHICAGO

[illegible]

1871-1872, 1873-1874, 1875-1876, 1877-1878, 1879-1880, 1881-1882, 1883-1884, 1885-1886, 1887-1888, 1889-1890, 1891-1892, 1893-1894, 1895-1896, 1897-1898, 1899-1900, 1901-1902, 1903-1904, 1905-1906, 1907-1908, 1909-1910, 1911-1912, 1913-1914, 1915-1916, 1917-1918, 1919-1920, 1921-1922, 1923-1924, 1925-1926, 1927-1928, 1929-1930, 1931-1932, 1933-1934, 1935-1936, 1937-1938, 1939-1940, 1941-1942, 1943-1944, 1945-1946, 1947-1948, 1949-1950, 1951-1952, 1953-1954, 1955-1956, 1957-1958, 1959-1960, 1961-1962, 1963-1964, 1965-1966, 1967-1968, 1969-1970, 1971-1972, 1973-1974, 1975-1976, 1977-1978, 1979-1980, 1981-1982, 1983-1984, 1985-1986, 1987-1988, 1989-1990, 1991-1992, 1993-1994, 1995-1996, 1997-1998, 1999-2000, 2001-2002, 2003-2004, 2005-2006, 2007-2008, 2009-2010, 2011-2012, 2013-2014, 2015-2016, 2017-2018, 2019-2020, 2021-2022, 2023-2024, 2025-2026, 2027-2028, 2029-2030, 2031-2032, 2033-2034, 2035-2036, 2037-2038, 2039-2040, 2041-2042, 2043-2044, 2045-2046, 2047-2048, 2049-2050, 2051-2052, 2053-2054, 2055-2056, 2057-2058, 2059-2060, 2061-2062, 2063-2064, 2065-2066, 2067-2068, 2069-2070, 2071-2072, 2073-2074, 2075-2076, 2077-2078, 2079-2080, 2081-2082, 2083-2084, 2085-2086, 2087-2088, 2089-2090, 2091-2092, 2093-2094, 2095-2096, 2097-2098, 2099-2100, 2101-2102, 2103-2104, 2105-2106, 2107-2108, 2109-2110, 2111-2112, 2113-2114, 2115-2116, 2117-2118, 2119-2120, 2121-2122, 2123-2124, 2125-2126, 2127-2128, 2129-2130, 2131-2132, 2133-2134, 2135-2136, 2137-2138, 2139-2140, 2141-2142, 2143-2144, 2145-2146, 2147-2148, 2149-2150, 2151-2152, 2153-2154, 2155-2156, 2157-2158, 2159-2160, 2161-2162, 2163-2164, 2165-2166, 2167-2168, 2169-2170, 2171-2172, 2173-2174, 2175-2176, 2177-2178, 2179-2180, 2181-2182, 2183-2184, 2185-2186, 2187-2188, 2189-2190, 2191-2192, 2193-2194, 2195-2196, 2197-2198, 2199-2200, 2201-2202, 2203-2204, 2205-2206, 2207-2208, 2209-2210, 2211-2212, 2213-2214, 2215-2216, 2217-2218, 2219-2220, 2221-2222, 2223-2224, 2225-2226, 2227-2228, 2229-2230, 2231-2232, 2233-2234, 2235-2236, 2237-2238, 2239-2240, 2241-2242, 2243-2244, 2245-2246, 2247-2248, 2249-2250, 2251-2252, 2253-2254, 2255-2256, 2257-2258, 2259-2260, 2261-2262, 2263-2264, 2265-2266, 2267-2268, 2269-2270, 2271-2272, 2273-2274, 2275-2276, 2277-2278, 2279-2280, 2281-2282, 2283-2284, 2285-2286, 2287-2288, 2289-2290, 2291-2292, 2293-2294, 2295-2296, 2297-2298, 2299-2300, 2301-2302, 2303-2304, 2305-2306, 2307-2308, 2309-2310, 2311-2312, 2313-2314, 2315-2316, 2317-2318, 2319-2320, 2321-2322, 2323-2324, 2325-2326, 2327-2328, 2329-2330, 2331-2332, 2333-2334, 2335-2336, 2337-2338, 2339-2340, 2341-2342, 2343-2344, 2345-2346, 2347-2348, 2349-2350, 2351-2352, 2353-2354, 2355-2356, 2357-2358, 2359-2360, 2361-2362, 2363-2364, 2365-2366, 2367-2368, 2369-2370, 2371-2372, 2373-2374, 2375-2376, 2377-2378, 2379-2380, 2381-2382, 2383-2384, 2385-2386, 2387-2388, 2389-2390, 2391-2392, 2393-2394, 2395-2396, 2397-2398, 2399-2400, 2401-2402, 2403-2404, 2405-2406, 2407-2408, 2409-2410, 2411-2412, 2413-2414, 2415-2416, 2417-2418, 2419-2420, 2421-2422, 2423-2424, 2425-2426, 2427-2428, 2429-2430, 2431-2432, 2433-2434, 2435-2436, 2437-2438, 2439-2440, 2441-2442, 2443-2444, 2445-2446, 2447-2448, 2449-2450, 2451-2452, 2453-2454, 2455-2456, 2457-2458, 2459-2460, 2461-2462, 2463-2464, 2465-2466, 2467-2468, 2469-2470, 2471-2472, 2473-2474, 2475-2476, 2477-2478, 2479-2480, 2481-2482, 2483-2484, 2485-2486, 2487-2488, 2489-2490, 2491-2492, 2493-2494, 2495-2496, 2497-2498, 2499-2500, 2501-2502, 2503-2504, 2505-2506, 2507-2508, 2509-2510, 2511-2512, 2513-2514, 2515-2516, 2517-2518, 2519-2520, 2521-2522, 2523-2524, 2525-2526, 2527-2528, 2529-2530, 2531-2532, 2533-2534, 2535-2536, 2537-2538, 2539-2540, 2541-2542, 2543-2544, 2545-2546, 2547-2548, 2549-2550, 2551-2552, 2553-2554, 2555-2556, 2557-2558, 2559-2560, 2561-2562, 2563-2564, 2565-2566, 2567-2568, 2569-2570, 2571-2572, 2573-2574, 2575-2576, 2577-2578, 2579-2580, 2581-2582, 2583-2584, 2585-2586, 2587-2588, 2589-2590, 2591-2592, 2593-2594, 2595-2596, 2597-2598, 2599-2600, 2601-2602, 2603-2604, 2605-2606, 2607-2608, 2609-2610, 2611-2612, 2613-2614, 26

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 4 1902

[illegible]

1. The subject is a citizen of the United States.
 2. The subject is a member of the National Association of Manufacturers.
 3. The subject is a member of the National Association of Manufacturers.
 4. The subject is a member of the National Association of Manufacturers.
 5. The subject is a member of the National Association of Manufacturers.
 6. The subject is a member of the National Association of Manufacturers.
 7. The subject is a member of the National Association of Manufacturers.
 8. The subject is a member of the National Association of Manufacturers.
 9. The subject is a member of the National Association of Manufacturers.
 10. The subject is a member of the National Association of Manufacturers.

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Cherokee D-18-2 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, E. T., OCTOBER 19, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CHARLES R. WARD ET AL., as citizens by blood of the Cherokee Nation.

GEORGE W. WARD, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A George W. Ward.
- Q What is your age? A 62.
- Q What is your post office? A Whiting, Mississippi County, Mo.
- Q You have just given testimony in your own enrollment case, have you? A Yes sir.
- Q You state that you have a brother named Charles R. Ward? A Yes sir.
- Q Did he at one time live in the Cherokee Nation? A Yes sir.
- Q You state you came to the Cherokee Nation about 1875 and remained there until the last month in 1887? A Yes sir.
- Q Did your brother Charles R. come to the Cherokee Nation at the time you did? A The same time.
- Q Did he leave at the same time? A No sir, he left just before did.
- Q Do you know where they went? A To Murray County, Tennessee.
- Q Do you know how long he lived there? A No sir.
- Q Do you know his present whereabouts? A Yes sir.
- Q I believe you state somewhere in Alabama? A I think it was Limestone County, Alabama, the last time I ever heard of him.
- Q About how long ago was that? A About 12 years ago.
- Q And from the time he left the Cherokee Nation before you went away until about 12 years ago did you keep track of him? A Yes sir.
- Q Hear from him from time to time? A There was two years I didn't know anything about where he was, he lost his wife and he was troubled about.
- Q Did he ever live in the Cherokee Nation during that period? A No sir, not that I know of.
- Q Have you ever heard of his returning to the Cherokee Nation after he left? A No sir, I wrote to my sister to find out where about a month ago, she was here.
- Q When your brother Charles left, did he leave any property in the Cherokee Nation? A Not a thing.
- Q And if he ever returned to the Cherokee Nation you don't know it? A No sir, I don't.
- Q Have you any reason to believe he ever did? A No sir, I haven't.
- Q You don't know whether he is living at this time? A No sir, I don't.
- Q You never have heard enough of his death? A No sir, but I don't know that he is living, he is younger than I am and he stands as a chance to be living.

- Q And he had some children, did he? A Yes sir.
- Q Do you know the name of his eldest child? A Her name was Mattie, Martha at least, they called her Mat.
- Q I see on the roll of 1830 a Mat C. Ward? A That is her.
- Q That is Martha? A Yes sir, Martha Catherine.
- Q Did she leave at the time your brother left? A Yes sir.
- Q Do you know anything of the whereabouts of Martha? A No sir, she was with me brother the last time I ever seen her, but she married afterwards, but I don't know who. We were about 60 or 70 miles apart.
- Q Do you know the name of the mother of Martha? A Yes sir.
- Q What is her name? A Her name was Catherine, but then she never was on the roll, died before she reached the Cherokee Nation.
- Q Your brother Charles, he was about the same degree of Cherokee blood as you? A Yes sir, about 1/4.
- Q Did Martha live with Charles? A During the time I kept up with them.
- Q What was the name of his next child? A Ella, or Annie & the name of the next one.
- Q Do you know about how old she is? A She would be about 28 years old now.
- Q She was younger than Mattie? A Yes sir.
- Q Has she been dead a long time? A I don't know.
- Q I notice on the roll of 1830 the name of Leo A. Ward, who would be about 30 or 31 years of age now, do you reckon that would have been Annie? A That was Sallie, her name was Leo but they always called her Sallie. There was a Leo in my other brother's family, the one that died on the road coming here, and his wife lived with my brother Charles, and I guess when he put them on the roll, which ever was the oldest he had them put down first.
- Q And the next child younger than Annie is Ellen J.? A Yes sir.
- Q Do you know whether she is living? A I do not.
- Q Did she leave the Cherokee Nation with your brother Charles? A Yes sir.
- Q Did she live with him during the time you kept up with him? A Yes sir.
- Q And if she is dead, you don't know it? A No sir.
- Q Was his next child named Charles? A Those are all he had, just them three.
- Q You had another brother that died on the way out here? A Yes sir.
- Q And his wife, what was her name? A Jane.
- Q I notice on the roll of 1830 an E. J. Ward, a female, about 33 years of age? A That is her, her name was Jane.
- Q Is she dead? A I don't know whether she is or not, I aint been keeping up with her much.
- Q Did she come to the Cherokee Nation the time you came in 1875? A Yes sir.
- Q When did she leave? A When my brother did.
- Q Your brother Charles? A Yes sir.
- Q She didn't leave any property in the Cherokee Nation? A Nothing at all.
- Q She had no property then here when she left here? A No sir.
- Q Do you know of her present whereabouts? A She is in Murray County, not far from Columbus Tennessee? A Yes sir.
- Q How long did you keep track of her after she left? A I passed backwards and forwards for 10 or 12 years.

- Q Has she ever returned to the Cherokee Nation? A Not that I know of.
- Q You never heard of it if she has been back? A No sir.
- Q She had some children, did she? A Yes sir.
- Q What were their names? A The eldest one named Nellie.
- Q Did they ever call her Mary? A That was really her name, but they always called her Nellie.
- Q Did she leave at the time her mother, Jane, left? A Yes sir.
- Q What was the name of Mary's father? A His name was Ben.
- Q About what degree of Cherokee blood was Jane? A She was about 1/16 part I guess, but these children are more than that.
- Q Mary has lived with her mother, so far as you know? A All the while, yes sir.
- Q She never returned to the Cherokee Nation? A Not that I know of.
- Q What was the name of Jane Ward's next child? A Her next child was named Sallie, I don't know whether she was on the roll or not, I think she died before the roll was made.
- Q Was there a child named Lou A.? A Yes sir, Lou Anna was the next one younger than Sallie.
- Q Sallie doesn't appear to be on the roll? A No sir, I don't think she is on the roll at all.
- Q Ben Ward was her father and Jane her mother? A Yes sir.
- Q And Lou Anna lived with her mother? A Yes sir.
- Q Was she ever returned to the Cherokee Nation? A Not that I know of.
- Q And the next child? A That was Charlie?
- Q And Charlie left with his mother did he? A Yes sir.
- Q Has lived with her so far as you know ever since? A Yes sir.
- Q Has never returned to the Cherokee Nation? A Not that I know of.
- Q I find the name of Martha E. Ward on the roll of 1880? A I reckon that must be that eldest daughter of Charles, Martha E. Ward.
- Q You think the name appearing on the roll, after the roll has been examined and the way it appears on there, Martha E. Ward was the one you refer to as being dead and the daughter of Jane Ward and your brother Tom Ward? A Yes sir.
- Q She died while you lived here, that was during the year 1880?
- A Yes sir, she must have died that year. Well I know she did, she died just a few days before he left here, about a week or ten days.
- Q Now you don't know the post office of any of these relatives of yours? A No sir, I don't know the post of near one of them now.
- Q You have some brothers or sisters living in the Cherokee Nation?
- A Yes sir, Mrs. Holland and Martha Cloud.
- Q Now if any of these nephews and nieces and brothers and sisters-in-law of yours have ever returned to the Cherokee Nation, do you think you would have heard of it through your sisters? A Yes sir, I wrote a special letter to Mrs. Holland whether they had ever got any of them back here or not and she wrote me if they ever had and didn't know anything about it.
- Q And you have no reason to believe that any of them have ever come back? A No sir, I haven't. I have had a hard struggle myself and they have had a little harder.

- Q Now the only ones you have heard of dying were Matilda and Martha E., called Sallie? A Yes sir, they are the only ones I have ever heard of being dead, except some of Mrs. Holland's family, they died here.
- Q They were the ones living in this country? A Yes sir.
- Q Now Charles R. Ward, your brother, had the same father and mother as you? A Yes sir.
- Q Charles Ward your father, and Mrs. Hensley, your mother? A Yes sir.
- Q Elmer J. and Martha C. were full sisters? A Yes sir.

Copies of this testimony will be filed in the following Doubtful Cherokee Enrollment cases:

Charles R. Ward	C D 1802
E. J. Ward	C D 1803
Mary E. Ward	C D 1804
Lee A. Ward	C D 1806
Mat C. Ward	C D 1807
Elmer J. Ward	C D 1808
Charles Ward	C D 1809.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 24th day of October, 1905.

Edward M. Merriam
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
George W. Ward et al., as citizens by blood of the Cherokee Nation,
consolidating the applications of:

George W. Ward	Cherokee D 1794
Elizabeth Elvira Bruce	" D 1796
Louvinia Suter	" D 1797
Martha Susan Suter	" D 1798
Cordelia Copeland	" D 1799
George Ward	" D 1800
Charles R. Ward	" D 1802
Martha Catherine Ward	" D 1807
Lee Anna Ward	" D 1806
Eler J. Ward	" D 1806
Charles Ward	" D 1809
E. J. Ward	" D 1803
Mary E. Ward	" D 1804.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee,
Indian Territory, on June 30, 1902, Emmet Starr appeared before
the Commission to the Five Civilized Tribes and made applications
for the enrollment of George W. Ward, C. E. Ward, Lee Ward, Mat
E. Ward, Cordelia Ward, George Ward, Chas. R. Ward, Mat C. Ward,
Lee A. Ward, Eler J. Ward, Chas. Ward, E. J. Ward and Mary E. Ward,
their families and descendants, as citizens of the Cherokee Nation.
Further proceedings in the matter of said applications were had
at Muskogee, Indian Territory, July 18, and October 19, 1905, in
which it is shown that the application for the enrollment of
George W. Ward included himself and his children, Rodie Thomas,
Joe Miller, John Fiedel, Charles Jackson, Sam, Martin Jerome

and Harry Levi Ward; that the correct name of the applicant G. B. Ward on September 1, 1902, was Kisira Elvira Bruce, and she will now be listed for enrollment as Kisira Elvira Bruce; that the application for the enrollment of Kisira Elvira Bruce included herself and her children, Ida, Frank, Eva and Cap Bruce; that the correct name of the applicant Lee Ward, on September 1, 1902, was Louvinia Suter, and she will now be listed for enrollment as Louvinia Suter; that the application for the enrollment of Louvinia Suter included herself and her children, Charlie Washington and John Suter; that the correct name of the applicant Mat S. Ward on September 1, 1902, was Martha Susan Suter, and she will now be listed for enrollment as Martha Susan Suter; that the application for the enrollment of Martha Susan Suter included herself and her children, names unknown; that the correct name of the applicant Cordelia Ward on September 1, 1902, was Cordelia Copeland, and she will now be listed for enrollment as Cordelia Copeland; that the application for the enrollment of Cordelia Copeland included herself and her children, Arthur, Levi, Devere, and Lucinda Copeland; that the correct name of the applicant Mat C. Ward is Martha Catherine Ward, and she will now be listed for enrollment as Martha Catherine Ward.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood, and that the principal applicants, George W. Ward, as George Ward, Kisira Elvira Bruce, as G. B. Ward, Louvinia Suter, as Lee Ward, Martha Susan Suter, as Mat S. Ward, Cordelia Copeland, as Cordelia Ward, George Ward, Charles R. Ward, as Chas. R. Ward, Martha Catherine Ward, as Mat C. Ward, Lee Anna Ward as Lee A. Ward, Elor J. Ward, Charles Ward, as Chas. Ward, B. J. Ward, and Mary M. Ward, are identified on the Cherokee authenticated tribal roll of 1880; that said principal applicants left the Cherokee Nation about the year 1880, and since that time have continuously resided outside the domain of the Five Civilized Tribes, and have neither owned nor controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The evidence further shows that the minor applicants, Eddie Thomas, Joe Miller, John Tiedel, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, Ida, Frank, Eva and Cap Bruce, Charlie Washington and John Suter, the children of Martha Susan Suter, names unknown, Arthur, Levi, Devere and Lucinda Copeland, are children of the said principal applicants, George W. Ward, Kisira Elvira Bruce, Louvinia Suter, Martha Susan Suter, and Cordelia Copeland, were born since 1880, and possess no rights to enrollment not possessed by their said parents.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Elsie Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Buter, Charlie Washington Buter, John Buter, Martha Susan Buter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward, are not entitled to enrollment as citizens by blood of the Cherokee nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby

COMMISSIONER

Dated at Muskogee, Indian Territory,
this Dec 27 1905.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D-1908

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 27, 1905.

Elmer J. Ward,

Care of George W. Ward,
Whiting, Missouri.

Dear Madam:

There is inclosed herewith a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, said application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl. B-71

Register.

Cherokee
D-1794, et al.

Muskogee, Indian Territory, December 27, 1908.

W. V. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1908, rejecting the applications for the enrollment of the applicants embraced in the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of George W. Ward, et al., Cherokee D. 1794, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

Incl D-78

Muskogee, Indian Territory, December 27, 1905.

The Honorable,

The secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision rejecting the applications for the enrollment of George W. Ward and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, of Kizira Elvira Bruce and her children, Ida, Frank, Eva and Cap Bruce, of Louvinia Suter and her children, Charlie Washington and John Suter, of Martha Susan Suter and her children, names unknown, of Cordelia Copeland and her children, Arthur, Levi, Devore and Lucinda Copeland, and of George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Eler J. Ward, Charles Ward, B. J. Ward and Mary E. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. B-76

Commissioner

Through the

Commissioner of Indian Affairs .

Cherokee
D 1808

COPY.

Muskogee, Indian Territory, June 13, 1906.

Elmer J. Ward,
C/o George W. Ward,
Whiting, Missouri.

Dear Madam:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes dated December
27, 1905, rejecting, among others, application for your
enrollment as a citizen by blood of the Cherokee Nation, was
affirmed by the Secretary of the Interior on June 1, 1906.

Respectfully,

Tams Bixby.
Commissioner.

MRP

Cherokee

D 1794

COPY.

Muskogee, Indian Territory, June 13, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the applications for the enrollment of George W. Ward et al, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

~~SECRET~~

Tams Dixey.
Commissioner.

Incl.P-32
MMP

-COPY-

DEPARTMENT OF THE INTERIOR,

Y.P.

D.C. 22791
I.T.D. 2844-1906.

WASHINGTON,

Y.P.

L.R.S.

June 1, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including your decision of the same date, denying the applications of George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Fiedel Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Elvira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charrie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devere Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lot Anna Ward, Elmer J. Ward, Charles Ward, M. J. Ward and Mary E. Ward.

Reporting May 25, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Jesse M. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

LAND
134-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 25, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1903, transmitting the record of the consolidated applications for enrollment as Cherokee citizens by George W. Ward for himself and his children, Eddie Thomas, Joe Miller, John Tindel, Charles Jackson, Sam, Martin Jerome, and Harry Levi Ward; by Kizira Kivira Bruce for herself and her children, Ida, Frank, Eva, and Gap Bruce; of Louvinia Suter for herself and her children, Charlie Washington and John Suter; by Martha Susan Suter for herself and her children, names unknown; by Cordelia Copeland for herself and her children, Arthur, Levi, Bevers, and Lucinda Copeland; and by George, Charles R., Martha Catherine, Len Anna, Elmer J., Charles, E. J., and Mary E. Ward for themselves.

December 27, 1903 the Commissioner decided adversely to all the applicants.

The record shows that all of the applicants are Cherokees by blood, and that the principal applicants, George W. Ward, Kizira Kivira Bruce, Louvinia Suter, Martha Susan Suter,

-2-

Gerdalia Copeland, George Ward, Charles E. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward are identified on the 1880 Cherokee authenticated tribal roll; that they left the Cherokee Nation about the year 1880, and since that time have continuously resided outside of the Indian Territory, and have neither owned nor controlled any property in the Cherokee Nation. The record further shows that the minor applicants are children of the principal applicants, were born since 1880, and possess no rights to enrollment not possessed by the said principal applicants.

In view of the record and of Sec. 21 of the act of June 28, 1898 (30 Stats., 495) the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

mm
C

Cher R 1015

Trans from Cher D 1809

Cher R 1015

COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE, IN THE STATE OF TENNESSEE.

Before me of the application of JAMES B. BROWN, for enrollment as citizens of the Cherokee Nation.

That JAMES B. BROWN, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A James Brown.
Q What is your age? A Thirty one years.
Q What is your last office address? A Cherokee, T. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1836 Cherokee Roll, their families and descendants:

RECEIVED
JUL 14 1882
BY
J. B. BROWN

- Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1836 Cherokee Roll, their families and descendants:

Chas. Ward, page 401, # 1470, Flint District;
Note: "Left Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled case, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1882.

J. B. BROWN
Notary Public

June 30 1908
Report of the
Department of the Interior
to the President
of the United States
for the year 1907

... and the ... and examined ...

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1. The first of these is the fact that the
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[illegible]

- Q And he had some children, did he? A Yes sir.
- Q Do you know the name of his eldest child? A Her name was Pattie, but at least, they called her Pat.
- Q I see on the roll of 1850 a Pat J. Ward? A That is her.
- Q That is Martha? A Yes sir, Martha Catherine.
- Q Did she leave at the time your brother left? A Yes sir.
- Q Do you know anything of the whereabouts of Martha? A No sir, she was with me brother the last time I ever seen her, but she married afterwards, but I don't know who. We were about 60 or 70 miles apart.
- Q Do you know the name of the mother of Martha? A Yes sir.
- Q What is her name? A Her name was Catherine, but when she never was on the roll, died before she reached the Cherokee Nation.
- Q Your brother Charles, he was about the same degree of Cherokee blood as you? A Yes sir, about 1/4.
- Q Did Martha live with Charles? A During the time I kept up with them.
- Q What was the name of his next child? A Ella, no Annie is the name of the next one.
- Q Do you know about how old she is? A She would be about 20 years old now.
- Q She was younger than Pattie? A Yes sir.
- Q Has she been dead a long time? A I don't know.
- Q I notice on the roll of 1850 the name of Leo A. Ward, was would be about 30 or 31 years of age now, do you reckon that could have been Annie? A That was Sallie, her name was Leo but they always called her Sallie. There was a Leo in my other brother's family, the one that died on the road coming here, and his wife lived with my brother Charles, and I guess when he put them on the roll, which ever was the oldest he had them put down first. And the next child younger than Annie is Eller J.?
- Q Do you know whether she is living? A I do not.
- Q Did she leave the Cherokee Nation with your brother Charles?
- A Yes sir.
- Q Did she live with him during the time you kept up with him? A Yes sir.
- Q And if she is dead, you don't know it? A No sir.
- Q Was his next child named Charles? A There are all he had, just them three.
- Q You had another brother that died on the way out here? A Yes sir.
- Q And his wife, what was her name? A Jane.
- Q I notice on the roll of 1850 an E. J. Ward, a female, about 50 years of age? A That is her, her name was Jane.
- Q Is she dead? A I don't know whether she is or not, I aint been keeping up with her much.
- Q Did she come to the Cherokee Nation the time you came in 1875?
- A Yes sir.
- Q Then did she leave? A When my brother did.
- Q Your brother Charles? A Yes sir.
- Q She didn't leave any property in the Cherokee Nation? A Nothing at all.
- Q She had no property then here when she left here? A No sir.
- Q Do you know of her present whereabouts? A She is in Murray County, not far from Columbus.
- Q Tennessee? A Yes sir.
- Q For how long did you keep track of her after she left? A I passed backwards and forwards for 10 or 12 years.

- Q Has she ever returned to the Cherokee Nation? A Not that I know of.
- Q You never heard of it if she has been back? A No sir.
- Q She had some children, did she? A Yes sir.
- Q What were their names? A The eldest one named Nellie.
- Q Did they ever call her Mary? A That was really her name, but they always called her Nellie.
- Q Did she leave at the time her mother, Jane, left? A Yes sir.
- Q What was the name of Mary's father? A His name was Ben.
- Q About what degree of Cherokee blood was Jane? A She was about 1/16 part I guess, but those children are more than that.
- Q Mary has lived with her mother so far as you know? A All the while, yes sir.
- Q She never returned to the Cherokee Nation? A Not that I know of.
- Q What was the name of Jane Ward's next child? A Her next child was named Sallie, I don't know whether she was on the roll or not, I think she died before the roll was made.
- Q Was there a child named Lee A.? A Yes sir, Lee Anna was the next one younger than Sallie.
- Q Sallie doesn't appear to be on the roll? A No sir, I don't think she is on the roll at all.
- Q Ben Ward was her father and Jane her mother? A Yes sir.
- Q And Lee Anna lived with her mother? A Yes sir.
- Q Was she ever returned to the Cherokee Nation? A Not that I know of.
- Q And the next child? A That was Charlie?
- Q And Charlie left with his mother did he? A Yes sir.
- Q Has lived with her so far as you know ever since? A Yes sir.
- Q Has never returned to the Cherokee Nation? A Not that I know of.
- Q I find the name of Martha B. Ward on the roll of 1906? A I reckon that must be that eldest daughter of Charles, Martha B. Ward.
- Q You think the name appearing on the roll, after the roll has been examined and the way it appears on there, Martha B. Ward was the one you refer to as being dead and the daughter of Jane Ward and your brother Ben Ward? A Yes sir.
- Q She died while you lived here, that was during the year 1887?
- Q Yes sir, she must have died that year. Well I know she did, she died just a few days before he left here, about a week or ten days.
- Q Now you don't know the post office of any of these relatives of yours? A No sir, I don't know the post of near one of them now.
- Q You have some brothers or sisters living in the Cherokee Nation? A Yes sir, Mrs. Holland and Martha Cloud.
- Q Now if any of these nephews and nieces and brothers and sisters-in-law of yours have ever returned to the Cherokee Nation, do you think you would have heard of it through your sisters? A Yes sir, I wrote a special letter to Mrs. Holland whether they had ever got any of them back here or not and she wrote me if they ever had one didn't know anything about it.
- Q And you have no reason to believe that any of them have ever come back? A No sir, I haven't. I have had a hard struggle myself and they have had a little harder.

- 4-
- Q Now the only ones you have heard of dying were Matilda and Martha R., called Ballie? A Yes sir, they are the only ones I have ever heard of being dead, except some of Mrs. Holland's family, they died here.
- Q They were the ones living in this country? A Yes sir.
- Q Now Charles R. Ward, your brother, had the same father and mother as you? A Yes sir.
- Q Charles Ward your father, and Mrs. Hensley, your mother? A Yes sir.
- Q Eler R. and Martha C. were full sisters? A Yes sir.

Copies of this testimony will be filed in the following Doubtful Cherokee Enrollment cases:

Charles T. Ward	C D 1802
B. J. Ward	C D 1803
Mary E. Ward	C D 1804
Leo A. Ward	C D 1806
Mat C. Ward	C D 1807
Eler T. Ward	C D 1808
Charles Ward	C D 1809.

----- Co -----

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cases, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 24th day of October, 1906.

Edward M. Menden
Notary Public.

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application for the enrollment of George W. Ward et al., as citizens by blood of the Cherokee Nation, consolidating the applications of:

George W. Ward	Cherokee D 1794
Kimira Elvira Bruce	" D 1796
Louvinia Suter	" D 1797
Martha Susan Suter	" D 1798
Cordelia Copeland	" D 1799
George Ward	" D 1800
Charles R. Ward	" D 1802
Martha Catherine Ward	" D 1807
Lee Anna Ward	" D 1808
Eler J. Ward	" D 1808
Charles Ward	" D 1809
E. J. Ward	" D 1803
Mary E. Ward	" D 1804.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made applications for the enrollment of George W. Ward, C. R. Ward, Lee Ward, Mat S. Ward, Cordelia Ward, George Ward, Chas. R. Ward, Mat C. Ward, Lee A. Ward, Eler J. Ward, Chas. Ward, E. J. Ward and Mary E. Ward, their families and descendants, as citizens of the Cherokee Nation. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, July 18, and October 19, 1905, in which it is shown that the application for the enrollment of George W. Ward included himself and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome

and Harry Levi Ward; that the correct name of the applicant C. E. Ward on September 1, 1902, was Kizira Elvira Bruce, and she will now be listed for enrollment as Kizira Elvira Bruce; that the application for the enrollment of Kizira Elvira Bruce included herself and her children, Ida, Frank, Eva and Cap Bruce; that the correct name of the applicant Leo Ward, on September 1, 1902, was Louvinia Suter, and she will now be listed for enrollment as Louvinia Suter; that the application for the enrollment of Louvinia Suter included herself and her children, Charlie Washington and John Suter; that the correct name of the applicant Mat S. Ward on September 1, 1902, was Martha Susan Suter, and she will now be listed for enrollment as Martha Susan Suter; that the application for the enrollment of Martha Susan Suter included herself and her children, names unknown; that the correct name of the applicant Cordelia Ward on September 1, 1902, was Cordelia Copeland, and she will now be listed for enrollment as Cordelia Copeland; that the application for the enrollment of Cordelia Copeland included herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; that the correct name of the applicant Mat C. Ward is Martha Catherine Ward, and she will now be listed for enrollment as Martha Catherine Ward.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein are Cherokees by blood, and that the principal applicants, George V. Ward, as George Ward, Kizira Elvira Bruce, as C. E. Ward, Louvinia Suter, as Leo Ward, Martha Susan Suter, as Mat S. Ward, Cordelia Copeland, as Cordelia Ward, George Ward, Charles R. Ward, as Chas. R. Ward, Martha Catherine Ward, as Mat C. Ward, Lee Anna Ward as Lee A. Ward, Elmer J. Ward, Charles Ward, as Chas. Ward, E. J. Ward, and Mary E. Ward, are identified on the Cherokee authenticated tribal roll of 1880; that said principal applicants left the Cherokee Nation about the year 1880, and since that time have continuously resided outside the domain of the Five Civilized Tribes, and have neither owned nor controlled any property in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution, in part provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;"

The evidence further shows that the minor applicants, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, Ida, Frank, Eva and Cap Bruce, Charlie Washington and John Suter, the children of Martha Susan Suter, names unknown, Arthur, Levi, Devore and Lucinda Copeland, are children of the said principal applicants, George V. Ward, Kizira Elvira Bruce, Louvinia Suter, Martha Susan Suter, and Cordelia Copeland, were born since 1880, and possess no rights to enrollment not possessed by their said parents/

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), George W. Ward, Eddie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kizira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Loo Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward, and Mary E. Ward, are not entitled to enrollment as citizens by blood of the Cherokee nation, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Rixby

COMMISSIONER

Dated at Muskogee, Indian Territory,
this Dec 27 1905.

NOTE IN REPLY TO THE FOLLOWING:

Cherokee
D-1809

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 27, 1905.

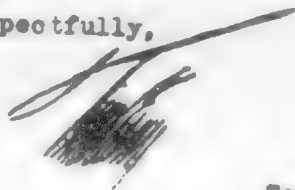
Charles Ward,
Care of George W. Ward,
Whiting, Missouri.

Dear Sir:

There is inclosed herewith a copy of the record of proceedings had in the matter of the application for your enrollment as a citizen by blood of the Cherokee Nation, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting, among others, said application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,



Commissioner.

Incl. B-7334

Register.

Cherokee
D-1794, et al.

Muskogee, Indian Territory, December 27, 1906.

W. V. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, rejecting the applications for the enrollment of the applicants embraced in the consolidated applications for enrollment as citizens by blood of the Cherokee Nation of George W. Ward, et al., Cherokee D. 1794, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl B-75

Commissioner.

Waskagee, Indian Territory, December 27, 1908

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including the Commissioner's decision rejecting the applications for the enrollment of George W. Ward and his children, Eddie Thomas, Joe Miller, John Tisdell, Charles Jackson, Sam, Martin Jerome and Harry Levi Ward, of Kinira Elvira Bruce and her children, Ida, Frank, Eva and Cap Bruce, of Louvinia Suter and her children, Charlie Washington and John Suter, of Martha Susan Suter and her children, names unknown, of Cordelia Copeland and her children, Arthur, Levi, Devore and Lucinda Copeland, and of George Ward, Charles R. Ward, Martha Catherine Ward, Joe Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary N. Ward, as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. B-76

Commissioner

Through the

Commissioner of Indian Affairs.

Cherokee
D 1809

COPY.

Muskogee, Indian Territory, June 13, 1906.

Chas. Ward,

C/o George W. Ward,

Whiting, Missouri.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting, among others, the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

Respectfully,

(SIGNED).

Jame Dixby.

Commissioner.

MMF

Cherokee
D 1794

COPY.

Muskogee, Indian Territory, June 13, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the applications for the enrollment of George W. Ward et al, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 1, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED.

Tams Dixby.
Commissioner.

Incl. P-32
MWP

-COPY-

DEPARTMENT OF THE INTERIOR,

Y.P.

D.C. 22791
I.T.D. 2564-1906.

WASHINGTON.

FILE.

L.R.S.

June 1, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the consolidated applications for the enrollment of George W. Ward, et al., as citizens by blood of the Cherokee Nation, including your decision of the same date, denying the applications of George W. Ward, Edie Thomas Ward, Joe Miller Ward, John Tisdell Ward, Charles Jackson Ward, Sam Ward, Martin Jerome Ward, Harry Levi Ward, Kisira Elvira Bruce, Ida Bruce, Frank Bruce, Eva Bruce, Cap Bruce, Louvinia Suter, Charlie Washington Suter, John Suter, Martha Susan Suter and her children, names unknown, Cordelia Copeland, Arthur Copeland, Levi Copeland, Devore Copeland, Lucinda Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Leo Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward and Mary E. Ward.

Reporting May 25, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

-COPY-

LAND
136-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 25, 1906.

The Honorable,

The Secretary of the Interior:

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee citizens by George W. Ward for himself and his children, Eddie Thomas, Joe Miller, John Tindal, Charles Jackson, Sam, Martin Jerome, and Harry Levi Ward; by Kisira Elvira Bruce for herself and her children, Ida, Frank, Eva, and Cap Bruce; of Louvinia Suter for herself and her children, Charlie Washington and John Suter; by Martha Susan Suter for herself and her children, names unknown; by Cordelia Copeland for herself and her children, Arthur, Levi, Devore, and Lucinda Copeland; and by George, Charles R., Martha Catherine, Lou Anna, Kler J., Charles, E. J., and Mary E. Ward for themselves.

December 27, 1905 the Commissioner decided adversely to all the applicants.

The record shows that all of the applicants are Cherokees by blood, and that the principal applicants, George W. Ward, Kisira Elvira Bruce, Louvinia Suter, Martha Susan Suter,

Cordelia Copeland, George Ward, Charles R. Ward, Martha Catherine Ward, Lee Anna Ward, Elmer J. Ward, Charles Ward, E. J. Ward, and Mary M. Ward are identified on the 1880 Cherokee authenticated tribal roll; that they left the Cherokee Nation about the year 1880, and since that time have continuously resided outside of the Indian Territory, and have neither owned nor controlled any property in the Cherokee Nation. The record further shows that the minor applicants are children of the principal applicants, were born since 1880, and possess no rights to enrollment not possessed by the said principal applicants.

In view of the record and of Sec. 21 of the act of June 28, 1898 (30 Stats., 495) the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

ms-
67

Cher R 10/6

From from m. m. 60

Cher R 10/6

(COPY)

D.O. 5907-1905.

Maskogee, Ind. Ter. Feb. 8, 1905.

Commission of the Five Civilized Tribes,

Dear Sir:-

Noticing the ruling of the Commission on the 3rd of Feb. I would like very much to know whether or not that will include me as you will find enclosed a letter and affidavit from people who are very familiar with my ancestors, as I am without any partents and not knowing much about the rules of the Commission and not knowing untill lately that I could receive such alottments under such conditions I think I deserve some consideration at your hand. Hoping for a moments consideration of you, I remain patiently,

Shahaker Marshall,

P.S.

Please return this affidavit after reading.

G.D.R.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 20, 1905.

Shahaker Marshall,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 5, relative to your enrollment as a citizen by blood of the Cherokee Nation. You inclose certain papers which are herewith returned to you as per your request.

In reply you are advised that an examination of the records of the Commission fails to disclose that application has been made for your enrollment as a citizen by blood of the Cherokee Nation. You are further advised that this Commission is now without authority to receive applications for enrollment in said Nation.

Respectfully,

Yams Dixby

Chairman.

Incl. 3-49

Muskogee, I. T., Feb. 27, 1905.

D.C. 9579-1905.

Commission to the Five Civilized Tribes,

Dear Sirs:-

I received your letter of the 10 of Feb. concerning my application in the Cherokee Nation by blood. The first place I would like to relate that I can't possibly understand that other Cherokees can have more legal rights than I. As I can demonstrate the fact that I am of the Cherokee tribe by the female side all the way from my mother to my great grandmother who was a full blood. I would like to appear in person before the commission at your earliest convenience so as to fully explain my self.

Hoping to hear from you soon, I remain,

Mrs Shahaker Marshall,

Muskogee, I. T.

(COPY)

G.D.R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 3, 1905.

Mrs. Shuhaker Marshall,

Muskogee, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of February 27, 1905, asking that you be permitted to make a personal appearance before the Commission relative to your enrollment as a citizen of the Cherokee Nation.

In reply you are advised that you are at liberty to appear before the Commission at any time you may desire to do so for the purpose mentioned in your letter.

Respectfully,

C. R. Breckinridge,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter. July 23, 1906.

In the matter of the application for the enrollment
of SHAHAKER MARSHALL as a citizen by blood of the Cherokee
Nation.

-----;-----

SHAHAKER MARSHALL being first duly sworn, testified as
follows:

- Q. What is your name? A. Shahaker Marshall.
Q. How old are you? A. Twenty-six.
Q. What is your postoffice? A. Muskogee; 419 West Fifteenth
Street, Muskogee.
Q. You appear for the purpose of making an application for en-
rollment as a citizen of the Cherokee nation? A. Yes sir.
Q. By blood or as a Cherokee freedman? A. By blood.
Q. Is the only right you claim to enrollment that of a Cherokee
by blood? A. Yes sir.
Q. Have you ever before this time made any application for en-
rollment as a citizen of the Cherokee Nation? A. I have for
myself, but not for my children.
Q. When was that application made? A. Last March a year ago.
Q. What form of an application was it? A. Why, I was trying to
make an application for myself.
Q. Was that application made at the office of the Dawes Commission?
A. Yes sir.
Q. Were you sworn and your testimony taken? A. No sir, they
told me I was too late; said the rolls was closed.
Q. Have you ever made any other form of application? A. No sir
Q. Have you ever addressed any letters to the Commission in re-
gard to your enrollment? A. Yes sir
Q. When were they written? A. They were written last year.
Q. Last year, do you say? A. Yes sir.
Q. Were they written in regard to your enrollment as a citizen
by blood of the Cherokee Nation? A. Yes sir.
Q. Can you read and write? A. Yes sir.
Q. I will ask you to examine the two letters I will show you,
one dated February 5, 1905 and one dated February 27, 1905,
and state whether or not they were written by you and signed
by you? A. (Examines letters) Yes sir, I wrote them; both
of them.
Q. Were both of these letters signed by you? A? Yes sir, both
were signed by me.
Q. I will ask you to sign your name on this slip of paper?
(Witness signs name. Signature is filed herewith, marked
"Exhibit A.")
Q. Is your full name Shahaker E. Marshall? A. Yes sir.
On February 6, 1905, there was received by the Commission
to the Five Civilized Tribes a letter-Office No. 5907-1905-
from Shahaker Marshall, Muskogee, Indian Territory, dated
February 5, 1905, receipt was acknowledged to her on February
10, 1905, other said letter, and reply is presented by the
applicant.
There was also received by the Commission, on March 1, 1906,

Shahaker Marshall--2

letter,--Office No. 9576-1906- from the same person, under date of February 27, 1906. Receipt of this letter was acknowledged to applicant March 3, 1906, and and the Commission's reply is also presented. These letters and replies are filed herewith.

- Q. Where were you born? A. I was born in Georgia.
Q. Did you ever live in the Cherokee nation? A. No sir, not here, I did in Georgia.
Q. You never lived in this present Cherokee Nation? A. No sir.
Q. Have you ever been recognized in any way as a citizen of the Cherokee Nation? A. Not here I haven't; I have in my own country.
Q. Have you ever drawn any money from the Cherokee Nation? A. No sir.
Q. Have you ever been admitted to citizenship in the Cherokee Nation? A. No sir.

The records of this office have been examined and no record can be found of any application other than that contained in the communication above referred to, ever having been made for the enrollment of the applicant as a citizen of the Cherokee Nation. Her name can not be identified on any of the tribal rolls of the Cherokee Nation in the possession of this office.

- Q. Have you any children? A. Yes sir, I have these two with me here.
Q. How old is your older child? A. This one is three and a half years old.
Q. What is the date of his birth? A. November 24, 1902.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly recorded the proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

L. J. ...

Subscribed and sworn to before me this 23rd day of July, 1906

Chas. E. ...
Notary Public.

IN RE

Application for Enrollment of

MINOR CHILDAct of Congress Approved
April 26, 1906.George Colton Marshall
as a citizen of

Cherokee

Nation.

Approved..... 190.....

Commissioner.

Department of the Interior
Commissioner to the Five
Civilized TribesFiled
Jul 26 1906

Tamm Dixby Commissioner

Rec'd
July 21/06

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the..... **Cherokee** Nation,
George Celten Marshall 24 Nov 908
 of born on the day of 1.....
 [Here insert name of child]
Anthony W. Marshall U. S. ~~Cherokee~~
 Name of Father:..... a citizen of the..... Nation.
Shahaker B. Marshall Cherokee
 Name of Mother:..... a citizen of the..... Nation.
 Tribal enrollment of father..... Tribal enrollment of mother.....
 Postoffice..... **Muskogee, I.T.**

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }

Western

District. }

Shahaker B. Marshall

26

I, on oath state that I am
adoption **Cherokee**
 years of age and a citizen by of the Nation;
Anthony W. Marshall
 that I am the lawful wife of who is a citizen, by
U.S. **male**
 of the Nation; that a child was
 24 Nov. 908 [Male or Female]
 born to me on day of 1.....; that said child has been named
George Celten Marshall
 and was living March 4, 1906.
 (Signed) **Shahaker B. Marshall**

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 23 July 1906.
 (SEAL) (Signed) **Chas. E. Webster**

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }

District. }

I, on oath state that I
 attended on wife of
 on the day of 1.....; that there was born to her on said date a
 [Male or Female]
 child; that said child was living March 4, 1906, and is said to have been named.....

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this day of 1906.

Notary Public.

190

1896

7

Hand

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 28, 1906.

Edwin A. Marshall

as a citizen of

Cherokee

Nation:

Approved..... 190...

Commissioner.

Department of the Interior
Commissioner to the Five
Civilized Tribes

Filed

Jul 26 1906

Tom Ditty
Commissioner

Rec'd July 23/06

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the.....**Cherokee**.....Nation,
of**Edwin A. Marshall**....., born on the **6**.....day of **May**.....1**906**.
[Here insert name of child]
Name of Father:.....**Anthony W. Marshall**.....a citizen of the...**U.S.**.....**State**.
Name of Mother:.....**Shahaker E. Marshall**.....a citizen of the...**Cherokee**.....Nation.
Tribal enrollment of father.....Tribal enrollment of mother.....**MEM**.....
Postoffice.....**Muskogee, I.T.**.....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
.....**Western**.....District. }

I,**Shahaker E. Marshall**....., on oath state that I am.....**36**.....
years of age and a citizen by...**adoption**.... of the.....**Cherokee**..... Nation;
that I am the lawful wife of.....**Anthony W. Marshall**....., who is a citizen, by
..... of the.....**U.S.**.....Nation; that a**male**...child was
[Male or Female]
born to me on.....**6**.....day of.....**May**.....1**906**.; that said child has been named
.....**Edwin A. Marshall**....., and was living March 4, 1906.

(Signed) **Shahaker E. Marshall**

WITNESSES TO MARK:

[Must be Two Witnesses] {
.....

Subscribed and sworn to before me this.....**23**.....day of.....**July**.....1906.

(SEAL)

(Signed) **Chas. E. Webster**.....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
.....District. }

I,, a....., on oath state that I
attended on wife of.....
on theday of.....1.....; that there was born to her on said date a.....
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named.....

WITNESSES TO MARK:

[Must be Two Witnesses] {
.....

Subscribed and sworn to before me this.....day of.....1906.

Notary Public.

RM

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

1

In the matter of the application for the enrollment of Shahaker E. Marshall et al., as citizens by blood of the Cherokee Nation.

--:--

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That on February 5, and February 27, 1905, Shahaker E. Marshall addressed communications to the Commission to the Five Civilized Tribes wherein she made application for enrollment as a citizen by blood of the Cherokee Nation.

The records further show that on July 23, 1906, said Shahaker E. Marshall appeared before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation; and that she also, on that date, made application, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), for the enrollment of her children, George Colten Marshall, born November 24, 1902, and Edwin A. Marshall, born May 6, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That said applicant Shahaker E. Marshall, is a Cherokee by blood, was born in the state of Georgia, about the year 1880, and has never been a resident of the Cherokee Nation. It does not appear from the evidence in this case, or from an examination of the tribal rolls of the Cherokee Nation and the records of this office, that said Shahaker E. Marshall has ever been admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof, or by the Commission to the Five Civilized Tribes or the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321). Neither can her name be identified upon the 1880 authenticated Cherokee tribal roll, or any other roll of the Cherokee Nation in the possession of this office.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That George Celton Marshall and Edwin A. Marshall, are the children of the applicant, Shashaker E. Marshall, and Anthony W. Marshall, a non-citizen of the Cherokee Nation, and possess no right to enrollment not possessed by their said mother.

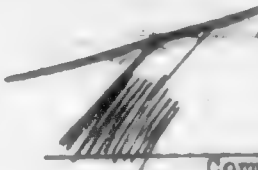
The Act of Congress approved May 31, 1900 (31 Stat. 221), provides as follows:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior."

The Act of Congress approved April 26, 1906 (Public No. 129), in part provides:

"That for ninety days after the approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Cherokee tribe, or have applications for enrollment pending at the approval hereof,"

I am therefore , of the opinion that I am without authority, under the provisions of the laws above quoted, to receive, consider, or make any record of the application for the enrollment of the said Shashaker E. Marshall, George Celton Marshall and Edwin A. Marshall as citizens by blood of the Cherokee Nation.



Commissioner

Dated at Muskogee, Indian Territory,
this AUG

Cherokee R. 1016

Cherokee H.B. 3874

COPY.

Muskogee, Indian Territory, August 18, 1906

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated August 17, 1906, refusing to receive, consider or make any record of the applications for the enrollment of Shahaker E., George Colton and Edwin A. Marshall, as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H. J. - 17.
H. J. C.

EIGH

Tame Dixby

Commissioner.

Cherokee R. 1016

Cherokee H.B. 3874

COPY.

Muskogee, Indian Territory, August 17, 1906.

Shahaker E. Marshall,
419 West Fifteenth Street,
Muskogee, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and children, George Colton and Edwin A. Marshall, as citizens by blood of the Cherokee Nation, together with a copy of the decision of the Commissioner to the Five Civilized Tribes dated August 17, 1906, refusing to receive, consider or make any record of said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

(SIGNED)

Encl. H.J.-12.
H.J.C.

Tame Dixie
Commissioner.

COPY.

Muskogee, Indian Territory, August 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Shahaker R., George Colten and Edwin A. Marshall, as citizens by blood of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated August 17, 1906, refusing, under Act of Congress approved May 31, 1900 (31 Stat., 221), to receive, consider or make any record of the application of Shahaker R. Marshall for the enrollment of herself and children, George Colten and Edwin A. Marshall, as citizens by blood of the Cherokee Nation.

Respectfully,

SIGNED.

Tams Dixey.
Commissioner.

Encl. H.J.-18.
H.J.C

Through the

Commissioner of Indian Affairs.

Cherokee
R 1016

Muskogee, Indian Territory, September 8, 1906

Shahaker H. Marshall,
419 West Fifteenth Street,
Muskogee, Indian Territory.

Dear Madam:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of August 20, 1906, in further reference to your right to enrollment as a citizen of the Cherokee Nation.

The records of this office show that a decision was rendered on August 17, 1906, by the Commissioner to the Five Civilized Tribes, rejecting your application for the enrollment of yourself and children as citizens by blood of the Cherokee Nation. Said decision was forwarded to the Secretary of the Interior for his review and decision, on the same date. You will be advised of the action of the Secretary when this office is informed of the same.

The papers enclosed with your letter are returned herewith.

Encl. B-44

Respectfully,

Cherokee
R 1016.
N.B.3874.

Muskogee, Indian Territory, February 16, 1907.

Shahaker N. Marshall,
419 West 15th Street,
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated August 17, 1906, rejecting your application for the enrollment of yourself and children as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 25, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-67.
HJC

Commissioner.

Cherokee
R 1016

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated August 17, 1906, rejecting the application for the enrollment of Shahaker E. Marshall, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 25, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-68.
HJC

Commissioner.

Y.P.

DEPARTMENT OF THE INTERIOR, LEE
WASHINGTON.

January 25, 1907.

D.C. 6000-1907.
I.T.D. 1172-1907.
L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

August 17, 1906, you transmitted the record in the matter of the application for the enrollment of Shashaker E., George Colton, and Edwin A. Marshall as citizens by blood of the Cherokee Nation, including your decision of the same date, adverse to the applicants.

Reporting January 17, 1907 (Land 72494-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Theo. Ryan,

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

1 inc. and 2 to Ind. Of.

COPY.

Refer in reply to the following:

Land.
72494-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 17, 1907.

The Honorable,

The Secretary of the State,

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 17, 1906, transmitting the record relative to the application of Shabaker E. Marshall, et al., for enrollment as citizens of the Cherokee Nation.

On February 5 and 27, 1906, Shabaker E. Marshall applied to the Commission to the Five Civilized Tribes, in writing, for the enrollment of herself and her children, George C. and Edwin A. Marshall, as citizens by blood.

On August 17, 1906, the Commissioner held that the applicants were not entitled to such enrollment.

The record shows that the principal applicant was born in the State of Georgia in 1880.

The Commissioner reports that she is not enrolled as a citizen of the Cherokee Nation, and was never admitted as a citizen of that Nation by the Cherokee courts or the Commission, or the United States courts.

Edwin A. and George C. Marshall are the children of Shabaker E. and Anthony V. Marshall, a non-citizen, and possess

no right to be enrolled as citizens by blood other than that derived from their mother.

In view of Sections 1 and 2 of the Act of April 26, 1906 (34 Stat. L., 137), the decision of the Commissioner adverse to the applicants is recommended for approval.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

HRB--GD

Cher R 1017

Trans from m. m. 68

Cher R 1017

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER., AUGUST 13, 1906.

In the matter of the application for the enrollment
of LULA MAY CULLERS as a citizen of the Cherokee Nation, of
Shawnee blood.

-10:-

LULA MAY CULLERS being first duly sworn, testified
as follows:

- Q. What is your name? A. You mean my present name, now?
Q. Yes, full name? A. Mrs. Lula May Cullers.
Q. How old are you? A. Twenty-two.
Q. What is your postoffice? Oklahoma City, Oklahoma-605 East
Tenth Street.
Q. Are you of Indian blood? A. I have always been taught that
I was of Indian blood.
Q. Of what tribe? A. Of the Adopted Cherokees.
Q. Do you claim to be of Cherokee blood? A. Well, my parents,
were of the Shawnees, and when they were ordered, I suppose
it was, or sent to the Cherokee Nation, I understand that
they were then called Adopted Cherokees.
Q. You claim citizenship in the Cherokee Nation? then by reason
of your Shawnee blood? A. Yes sir.
Q. Have you ever prior to this time appeared before the Dawes
Commission-- for the purpose of making application for en-
rollment as a citizen of the Cherokee Nation? A. I never
appeared.
Q. Has any one ever appeared before the Commission in your be-
half? A. No sir.
Q. What is the name of your father? A. John Alexander Smith
Q. Is he living? A. Yes sir.
Q. Has he ever made any effort to have himself enrolled as a
citizen of the Cherokee Nation? A. No sir.
Q. What is the name of your mother? A. Minnie VanZandt Smith
Q. Is she a white woman? A. She is a white woman.
Q. What is the name of your husband? A. Homer Daniel Cullers
Q. You present a letter from the Commission to the Five Civil-
ized Tribes, dated August 3, 1904, addressed to H. D. Culleys,
of Oklahoma City, Oklahoma, replying to his letter of July
26, in regard to the enrollment as a citizen of the Cherokee
Nation of Lula May Smith, is the person to whom this letter
was addressed as H. D. Culleys, your husband? A. Yes sir,
That is a mistake, our name is Cullers.
Q. Are you the person mentioned in his letter as Lula May Smith?
A. Yes sir.
Q. You also present a letter under date of November 2, 1904
addressed by the Commission to the Five Civilized Tribes to
H. D. Cullers, Oklahoma City, Oklahoma, replying to his letter
of October 23, in further reference to the enrollment as a
citizen of the Cherokee Nation of Lula May Smith. Is this
person to whom this letter is addressed your husband? A.
A. Yes sir.
Q. Are you the person mentioned in this letter as Lula May Smith?
A. Yes sir.

Lula May Cullers--2

- Q. You do not claim to have ever drawn any money from the Cherokee Nation? A. No, sir.
Q. You do not claim to have ever been admitted to citizenship?
A. No sir.

A careful examination of the records of this office fails to show that the applicant has ever been admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof or by the Commission to the Five Civilized Tribes. The name of the applicant, or that of her father, can not be identified on any of the tribal rolls of the Cherokee Nation in the possession of this office.

-----:0:-----

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly recorded the proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of her stenographic notes therein.

Lula M. Cullers

Subscribed and sworn to before me this 14th day of August, 1906.

John E. Tidwell
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lula May Cullers as a citizen of the Cherokee Nation of Shawnee blood.

-:-

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That on July 26, 1904, H. D. Cullers addressed a communication to the Commission to the Five Civilized Tribes, on behalf of one Lula May Smith, now Lula May Cullers, wherein he claimed that said Lula May Smith was entitled to citizenship in the Cherokee Nation by Shawnee blood, and made application to said Commission for same.

The records further show that on August 13, 1906, said Lula May Cullers, nee Smith, appeared before the Commissioner to the Five Civilized Tribes and made personal application for enrollment as a citizen of the Cherokee Nation by Shawnee blood.

THE EVIDENCE IN THIS CASE SHOWS: That said applicant, Lula May Cullers, is of Shawnee blood, being the daughter of John Alexander Smith, a Shawnee Indian, and Minnie Van Zandt Smith, a white woman. At the date of her appearance before the Commissioner she was twenty-two years of age. It does not appear from the evidence in this case, or from an examination of the tribal rolls of the Cherokee Nation and the records of this office, that said Lula May Cullers has ever been admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof, or by the Commission to the Five Civilized Tribes or the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321); neither can her name or the name of her father, John Alexander Smith, be identified upon the 1880 authenticated Cherokee tribal roll, or any other roll of the Cherokee Nation in the possession of this office.

The Act of Congress approved May 31, 1900 (31 Stat., 221), provides as follows:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior."

I am, therefore, of the opinion that I am without authority, under the provisions of the law above quoted, to receive, consider, or make any record of the application of said Lula May Cullers for enrollment as a citizen of the Cherokee Nation by Shawnee blood, and it is so ordered.



Commissioner

Dated at Muskogee, Indian Territory,
this AUG 31 1906

REFER IN REPLY TO THE FOLLOWING:

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 7, 1906

Mrs. May Cullers,
606 East Tenth Street,
Oklahoma City, Oklahoma.

Dear Madam:

Referring to your two letters of July 1, and 18, respectively, you are advised that apparently the records in the possession of this office fail to show that an application for enrollment as a citizen of the Cherokee Nation, was made to the Commission to the Five Civilized Tribes, or to the Commissioner, by you or on your behalf, within the time prescribed by law.

The Act of Congress approved April 26, 1906 (Public No. 129), provides in part as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes,

Mrs. May Cullers-2

shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: Provided, That the secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December first, nineteen hundred and five, and which was not allowed solely because not made within the time prescribed by law."

Seemingly, the provision of law above quoted is determinate as to your alleged claim to enrollment as a citizen of the Cherokee Nation. If, however, you still desire to appear before the Commissioner at his office in Muskogee, Indian Territory, you may do so on any date within a reasonable time, when sufficient testimony will be taken for the purpose of establishing whether any application of any character was made for your enrollment as a citizen of the Cherokee Nation within the time provided by law.

The letter from the Chillicothe Indian School, enclosed with your letter is returned herewith.

Respectfully,


L M B
Encl. B-16

Commissioner

(COPY)

D.C.26063.

Oklahoma, O. T. 7/26/04.

The Dawes Commission

Muskogee, I. T.

Gentlemen,

I wrote you a letter some two weeks since inquiring about possibility of a certain Lula May Smith of Sherman, Texas, securing an allotment & etc and have not heard from you.

I will explain again that the lady for whom I enquire now lives in Oklahoma City and is of Shawnee & Cherokee blood and has attended Chilasee Indian School and I think can make sufficient proof to establish her rights.

Please let me know if it is now too late to put in application and give me what information you can.

Hoping you will answer this at your earliest convenience,
I am,

Yours Resp

H. D. Culleys

c/o Armstrong Hdw. Co.

Oklahoma, O. T.

P. S. Gave details in former letter.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M.D.G.

Muskogee, Indian Territory, August 3, 1904.

H. D. Gulleys,
Oklahoma City, Oklahoma.

Dear Sir:

The Commission is in receipt of your letter of July 26, giving certain information in regard to the right to enrollment as a Cherokee citizen of one Lula May Smith, and asking if it is now too late for her to make application for enrollment.

In reply you are again advised that the Commission's records fail to disclose that application has ever been made to this Commission for the enrollment of the above named person. You are further advised that the Commission is now without authority to receive applications for enrollment in the Cherokee Nation.

Respectfully,

T. B. Needles,

Commissioner in Charge.

(COPY)

G.D.R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 2, 1904.

H. D. Cullers,

Oklahoma City, Oklahoma Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of October 23, relative to the enrollment of Lula May Smith as a citizen of the Cherokee Nation of Shawnee blood.

In reply you are advised that an examination of the records of the Commission fails to disclose that application has ever been made to it for the enrollment of the said Lula May Smith as a citizen of the Cherokee Nation of Shawnee blood.

You are further advised that in accordance with section thirty of the Act of Congress approved July 1, 1902 (32 Stat., 716), this Commission is now without authority to receive applications for enrollment in said Nation.

Said section provides:

"...the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two."

Respectfully,

Tams Bixby,

Chairman.

(COPY)

D.C.41201-1904.

Oklahoma City, U.S.A. 10/23/04.

Hon. E. A. Hitchcock, Sec. Interior.

Washington, D.C.

Dear Sir:

Please let me know as soon as convenient if it is too late for a person with Shawnee & Cherokee blood, to secure an allotment in the Indian Territory. The person for whom I enquire is one Lula May Smith of Sherman, Texas; born in the Indian Terr. June 16-1884, and attended Chilocco Indian School in 1895 and '96. She has not made claim up to this time.

Also please advise me if said party could hold claim should she settle on an unencumbered claim.

Thanking you in advance for the favor, I am,

Resp. Yours

H. D. Cullers

813 N Broadway,

Oklahoma City,

O. T.

P. S. Have made application for advise to Dawes Com. without success.

H. D. C.

Cherokee R
1017

COPY.

Muskogee, Indian Territory, August 31, 1906.

Lula May Cullers,
608 East 10th Street,
Oklahoma City, Oklahoma.

Dear Madam:

There is enclosed herewith a copy of the record of proceedings had in the matter of your application for enrollment as a citizen of the Cherokee Nation of Shawnee blood,, together with a copy of the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1906, holding that he is without authority to receive, consider or make any record of your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.H.J.-61.
H.J.C.

Registrar.

SIGNED.

Tom Paul
Acting Commissioner.

Cherokee R. 1017

CONF.

Muskogee, Indian Territory, August 31, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1906, holding that he is without authority to receive, consider or make any record of the application of Lula May Oullers for enrollment as a citizen of the Cherokee Nation of Shawnee blood.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. H. J. - 2.
H. J. C.

SIGNED.

Wm. K. Keel

Acting Commissioner.

CO. 4

Muskogee, Indian Territory, August 31, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for enrollment of Lula May Cullers, as a citizen of the Cherokee Nation of Shawnee blood, including the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1906, holding that under the Act of Congress approved May 31, 1900 (31 Stat., 221), he is without authority to receive, consider or make any record of said application.

Respectfully,

Encl. H. J. - 63.
H. J. C.

(SIGNED)

Tom. Keel
Acting Commissioner.

Through the Commissioner
of Indian Affairs.

Cherokee
R 1017

Muskogee, Indian Territory, January 18, 1907.

Lula May Gullers,

605 East 10th Street,

Oklahoma City, Oklahoma.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the wife Civilized Tribes, dated August 31, 1906, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior January 10, 1907. For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-50.
HJC.

Commissioner.

Cherokee
R 1017.

Muskogee, Indian Territory, January 18, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated August 31, 1906, rejecting the application for the enrollment of Lula May Cullers, as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior January 10, 1907. For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-49.
HJC

Commissioner.

DEPARTMENT OF THE INTERIOR

ILE

7/7.

WASHINGTON.

I.T.D. 278-1907
D.C. 2552-1907.

January 10, 1907.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir;

August 31, 1906, your office transmitted the record in the matter of the application for the enrollment of Lula May Cullers as a citizen of the Cherokee Nation of Shawnee blood, including your decision of the same date, adverse to the applicant.

Reporting January 5, 1907 (Land 76229-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

Land.
73229-1906.
D.C.2552-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(COPY)

January 5, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report of the Acting Commissioner to the Five Civilized Tribes, dated August 31, 1906, together with the record in the matter of the application for enrollment of Lulu May Cullers as a citizen of the Cherokee Nation, of Shawnee blood, including the decision of the Commissioner, dated August 31, 1906, refusing to receive or consider the application.

The Commissioner reports that on July 26, 1904, H.D. Cullers addressed a communication to his Office on behalf of Lulu May Cullers, wherein he claimed that the applicant was entitled to citizenship in the Cherokee Nation by Shawnee blood, and made application accordingly.

The record shows that the applicant is of Shawnee blood, being the daughter of John Alexander Smith, a Shawnee Indian, and Minnie Han Zandt Smith, a white woman, and at the date of her appearance before the Commissioner she was twenty-two years of age. The Commissioner says that it does not appear, from an examination of the tribal rolls of the Cherokee Nation and the records of his Office, that the applicant has ever been admitted

-2-

to citizenship in the Cherokee Nation by the duly constituted authorities thereof, or by the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory, nor can her name or the name of her father, John Alexander Smith, be identified in the 1880 authenticated roll, or on any other roll of the Nation in possession of his Office.

Under the provisions of the Act of May 31, 1900, (31 Stat.L., 221), there is no authority in law to receive or consider the application under consideration, and it is recommended that Commissioner Bixby's decision to that effect be approved.

Very respectfully,

G.F. Larrabee,

Acting Commissioner.

AJW--SD

Cher R 1018

Trans from Cher D9

Cher R 1018

Department of the Interior,
Commission to the Five Civilized Tribes.

Fairland, I.T., July 9, 1900.

In the matter of the application of Almira Mouse for enrollment as an intermarried Cherokee: being duly sworn, and examined by Commissioner Needles on behalf of the Commission, she testified as follows:

- Q What is your name? A Almira Mouse.
- Q Are you on the roll of 1880? A I have never been on any but the last authenticated roll, I never went to be enrolled, it was just carelessness.
- Q Are you an Indian by blood? A No, sir, a white woman.
- Q You say you never were enrolled but once? A No, sir, that was the last time.
- Q That was four years ago? A Yes, sir.
- Q What is your age? A 53.
- Q What is your post office address? A Zona, sometimes I get my mail at Grove and sometimes at Southwest City, Mo.
- Q Where would you get a letter from the Commission? A Southwest City.
- Q Where do you live now? A In the Delaware District.
- Q How long have you lived there? A I have lived in the district about 19 years.
- Q Where did you live before that time? A I came from Kansas.
- Q Are you a Cherokee? A No, sir.
- Q You don't make application as a Cherokee by blood? A No, sir.
- Q What is the name of your father? A My father is named John Humphrey, he is not living.
- Q He wasn't on the roll of the Cherokee Nation? A No, sir, he never lived in the Cherokee Nation.
- Q Is he living? A No, sir.
- Q How long have you lived in the Cherokee Nation? A I think 19 years, 18 or 19.
- Q Have you lived outside the Territory within the last three years? A No, sir, I was out on just a kind of a trip but you might say to make it my home about two or three months.
- Q Did you move your household effects? A No, sir, not all of them, I carried just enough to camp on, I left my household goods at my son in laws.
- Q Was your husband with you? A No, sir.
- Q Your husband remained at home at your residence? A I didn't have any residence then, not at that time.
- Q When was that? A After me and my husband parted.
- Q How long ago? A I can't tell you, I am kinder short memoried, I have convulsions and that spoils my memory.
- Q You don't remember how long ago that was? A No, sir, I don't, it was after I married that Cherokee man and after I separated from him.
- Q When did you marry the Cherokee man? A I don't know that I can tell you.
- Q How long ago? A It has been 15 years, I expect it has.
- Q You went out of the Territory after you married him? A I wasn't living out of the Territory.
- Q Was that over three years ago? A Yes, sir, it has been eight or ten years ago.
- Q For the last three years you have lived in the Territory? A No, sir, I haven't been out of the Territory any place in 10 years.
- Q Have you ever been enrolled by the Cherokee authorities? A Yes, sir.

Almira Mouse - 2.

Q Do you recollect what year? A No, sir, I can't remember; the last authenticated roll.

Q What year were you enrolled, the last authenticated roll? A Yes, sir, the last roll.

Q That was in 1896, wasn't it? A I can't tell you, I can't remember.

Q Did you ever apply to the Cherokee authorities for citizenship in the Cherokee Nation? A No, sir.

Q You never applied to the Cherokee Nation? A No, sir, for I knew I wasn't a Cherokee, not Cherokee by blood.

Q You didn't apply in 1896 to the Dawes Commission, or the Commission to the Five Civilized Tribes? A Not for Cherokee by blood.

Q Did you apply as a Cherokee by marriage? A Yes, sir.

Q When did you apply to the Cherokee Nation for admission as a citizen? A It has been 2 years ago, I reckon, 2 or 3, I don't know which.

Q Who was it you applied to? A The Dawes Commission.

Q Were you admitted or rejected by the Dawes Commission? A I just went before the Dawes Commission, that was all, and I didn't what you might call apply, I went before the Dawes Commission to see if my name was on the roll, and to see if I was rejected.

Q Where was that? A At Fort Gibson, it was where he was stationed at.

Q Do you know whether you were admitted or rejected by the Commission at that time? A He said if my name was on the roll he couldn't cut it off, but I didn't apply; that isn't applying, is it?

Q That is for you to answer. A I don't know what you call it.

Q What name did you have at that time? A Almira Mouse, and my name was on the Cherokee roll in the Chief's office at that time.

Q Are you married? A No, sir.

Q Were you ever married? A No, sir, not married, I kept house for a man.

Q Were you never married to a Cherokee? A I was married to a Cherokee by the name of Mouse; I thought you meant since then.

Q Under what law were you married? A Under the Cherokee law.

Q Have you your marriage license and certificate with you? A Yes, sir, I just now handed it to you.

Q What was your husband's name at the time you were married?

A Deacon Mouse.

Q Is he living? A Yes, sir.

Q Is his name on the authenticated roll of 1880? A Yes, sir, he has been on every roll I think.

Q Is he a Cherokee? A Yes, sir, he is a Cherokee.

Q To what district in the Cherokee Nation does he belong? A To the Delaware district.

Q What is the name of your husband's mother? A I can't tell you.

Q Do you know the name of his father? A No, sir.

Q Is he a Cherokee, your husband? A Yes, sir, he is a full blood.

Q To what district in the Cherokee Nation did he belong? A Delaware.

Q What proportion of Cherokee blood does he claim? A He is a full blood.

Q Have you any children under 21 years of age? A I have no children by the Cherokee.

Q You don't desire then to make application for the enrollment of any of your children? A My children was by a white man, I was married before I married him, and what I have is by a white man.

Q Why are you not living with your husband? A He just got tired of a white woman and told me he didn't want me to live with him any longer; said he didn't like white woman.

Q He abandoned you then? A Yes, sir.

Almira Mouse - 3.

Mr. W. F. Hutchings, for the Cherokee Nation: Q How old was Deacon Mouse when you married him? A I don't know whether I can tell you or not, my memory is too poor.

Q How long did you live with him after you had married him?

A Not very long.

Q You deserted him almost immediately after marrying him? A I lived with him until he abandoned me.

Commissioner Needles: About how long was that; you know about how long? A A month or two.

Mr. Hutchings: Then you took up immediately with a white man?

A No, sir.

Q How long afterwards before you took up with a white man? A I kept house for a man here.

Q Didn't he hold you out to the world, are you known in the neighborhood as man and wife, this white man and you? A No, sir.

Q Didn't he hold you out to the community as his wife? A No, sir.

Q Have you had any children since you left your Indian husband?

A No, sir.

Q You are still keeping house for this white man? A I have been taking care of Mr. Burdick's stock since that while he was gone to Wyoming.

Q You have been keeping house for this same white man? A No, sir.

Q How many different ones? A I kept house for a man by the name of Allen.

Q Although you had an Indian husband? A Yes, sir, I have never been divorced from him.

Q How long did you live with him? A Well, we were engaged to be married, I can't tell you how long it was.

Q How long have you been living with the man that you are keeping house for now? A Three years; I kept his things, took care of his things while he was gone to Kansas, and then while he was gone to Wyoming.

Q Who was your first husband? A Wood.

Q Where is he? A I don't know, sir.

Q You never were divorced from him? A Yes, sir.

Q Where? A He got a divorce from me in Kansas.

Q Do you know that, or it is just hearsay? A Yes, sir, he got a divorce.

Q Did he get a divorce before you married Deacon Mouse.

Commissioner Needles: Have you anything else you desire to offer?

A No, sir.

(The name of Almira Mouse is found upon the Census Roll of the Cherokee Nation, page 582, No. 379, Roll of 1896. This applicant is identified as the same person whose name was enrolled as above, and will be placed upon a doubtful card.)

The Commission will notify you by mail of its decision in your case. If at any time you desire to offer any evidence, any papers, affidavits, or documentary evidence in connection with your case, you will be permitted to do so. The certificate of marriage is filed herewith.

(Mr. Hutchings, on behalf of the Cherokee Nation, calls attention to Section 667 of the Compiled Laws of the Cherokee Nation, 1892.)

A - Some of them called me Allen while I was keeping house for that man and some of them called me Burdick now, but that don't make that my name.

Almira Mouse - 4.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones

Sworn to and subscribed before me this the 9th day of July, 1900.

[Signature]
Commissioner.

a- B 9
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES:

FILED

JUL 9 1900



ACTING CHAIRMAN

Supl. C.-D.#9.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL in the matter of the enrollment of Almira Mouse
as a citizen of the Cherokee Nation:

Commission: Applicant was notified by registered letter January 30, 1902, that her case would be taken up for a final consideration by the commission on the 15th day of February, 1902, and that she would on said date be given an opportunity to introduce any additional testimony affecting her application. She was also specially requested to supply the Commission with evidence of divorce from her former husband Wood; also evidence as to citizenship of Deason Mouse.

The applicant has been called three times and fails to respond either in person or by attorney. It is directed that this case be closed.


Commissioner.

JH

Cherokee D-3.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, I. T., March 3, 1902.

In the matter of the application of Almira House for enrollment
as a citizen of the Cherokee Nation.

Supplemental Statement.


Beason House, husband of the applicant, is duly identified on the 1880 authenticated tribal roll of the Cherokee Nation, page 225, No. 1832, Delaware District, as Dagine House. He is identified on the 1890 census roll, page 505, No. 2045, Delaware District, as Dagine House. His wife, Almira, is identified with him on the 1890 census roll.


Commissioner.

9
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 9 1900



ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

53 *ONE*
Name *Almira Mouse* Date *July 9* 1900.
District *Delaware* Year *1886* Page *582* No. *379*
Citizen by blood _____ Mother's citizenship *U.S.*
Intermarried citizen *Yes*
Married under what law *Cherokee* Date of marriage _____
License *filed* Certificate *filed*
Wife's name _____

District _____ Year _____ Page _____ No. _____
Citizen by blood _____ Mother's citizenship _____
Intermarried citizen _____
Married under what law _____ Date of marriage _____
License _____ Certificate _____

Names of Children:

_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
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_____	Dist. _____	Year _____	Page _____	No. _____	Age _____
_____	Dist. _____	Year _____	Page _____	No. _____	Age _____

W antiful - white card

8-1-19
1-1
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 19 1900

10th Nov 6th 1900

~~James~~
Lipson J. L.
Lipson

Dear Sir,
I have the pleasure to inform you
that the same has been received
and is being forwarded to you
by the next post.

Yours faithfully,
J. L. Lipson

Enclosed in the

COPY

CHEROKEE NATION :

DELAWARE DISTRICT :

January 29th, 1886.

I hereby certify that Deacon Mouse of the Cherokee Nation,
Delaware District aged 50 years and Almira Wood from the State of
Iowa, a white woman, aged 39 years were duly married by me as
under law directed by virtue of authority contained in my com-
mission which expires in November 1888.

(Signed) J. D. Ward.
Judge Del. Dist. Court.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY IN
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 30

1902

Mrs. Almira Mouse,

Southwest City, Missouri

Madam:

You are hereby notified that the application of yourself

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the **15th** day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You should supply the Commission with evidence of your divorce from your first husband, Wood; also evidence as to the citizenship of Deacon Mouse.

Yours truly,



Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES
TAMM BUCKY
THOMAS B. NEEDLES
C. R. BARKER
ALFRED L. AVERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

D-9


Muskogee, Indian Territory, June 23, 1902.

Mrs. Almira Mose,
Southwest City, Missouri.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation, it appears from your testimony that your former husband, Woods, procured a divorce from you in the State of Kansas. Please inform the Commission of the name of the County in which the divorce proceedings were had. In order to a proper determination of your application for enrollment it is necessary that this matter receive your prompt attention.

Yours truly,


Commissioner in Charge.

Register

COMMISSIONER
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRACKENRIDGE

ATTORNEY AT LAW
WASHINGTON

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

KEEP IN REPLY TO THE FOLLOWING

Cherokee D. 9.

Muskogee, Indian Territory. July 28th 1902.

In the matter of the application of Almira Mouse for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

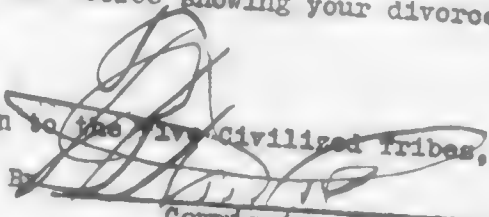
: Notice.:

To Almira Mouse,

Zena, Indian Territory.

You are hereby notified to furnish this Commission, within fifteen days from date hereof, the decree showing your divorce from your former husband, Woods.

Commission to the Five Civilized Tribes,

By 
Commissioner in charge.

Register.

COMMISSIONER
TAMM BERRY
THOMAS H. NEEDLES
C. S. HICKMAN
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-9

ALBANY, N. Y.

COMMUNICATIONS SECTION

Tahlequah, Indian Territory, January 11, 1904.

Almira Mouse,

Southwest City, Missouri.

Dear Madam:

The Commission is in receipt, by reference from the U.S. Indian Inspector for Indian Territory, of your letter of December 17, asking if you have been enrolled as a citizen by intermarriage of the Cherokee Nation.

In reply, you are advised that the records of this Commission show that you are an applicant for enrollment as a citizen by intermarriage, but before the record in your case will be complete, it will be necessary that you supply the Commission with a copy of the decree of divorce granted you from your former husband, Woods. This evidence should be presented at the earliest possible date as, until it is presented, the Commission cannot well determine your right to enrollment.

You are further advised that the question of the rights of citizens by intermarriage to participate in the distribution of the common property of the Cherokee Nation has been referred by the Secretary of the Interior to the U. S. Court of Claims for an opinion and no decision has yet been rendered by that Court.

Respectfully,

T. H. Berry

Commissioner in Charge
Cherokee Land Office.

REFER IN REPLY TO THE FOLLOWING

Cherokee No. D. 99

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1907.

Almira Mouse,

Broken Arrow, I.T.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decm. 3

Commissioner.

COPY.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Benge	1276	Lizzie Benge	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1556	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lombard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

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Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Bertholf	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peek	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

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Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Elector D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyle	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Euin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6046
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6078
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benga	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6316
Lewis M. Payne	5985	Katie Still	6326
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosia B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marra	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clora Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tyner	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Usarey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpston	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Paulette Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9985
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lawrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Grazia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 106	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Onico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 865
John M. Ridenour	D 458	Annie Garrett	D 866
Emery S. Thompson	D 464	George S. Yarborough	D 876

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Linnie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mills	D 1337
Silas G. Reneekar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lissie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1442
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Neel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2608
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Pricilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenhunt	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Claud Barger	D 2687
Euphemia Sweetwater	D 1314	Disie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassie	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William C. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2774	Bettie Morton	D 2915
Enna Buffington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKensie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simco	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Osowee	D 2818	Fannie Clay	D 3076
William H. Patterson	D 2820	Ellen Drew	D 3079

Lula Pack	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Miser	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lissie Phariss	D	3171	Stephen Haslett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	625
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

SIGNED: *Tamc Bixby*

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 18, 1907.

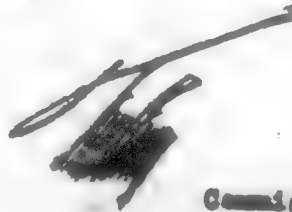
Almira House,

Broken Arrow, Indian Territory.

Dear Madam:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,



Commissioner.

NTM

Cherokee
et al.

Muskogee, Indian Territory, March 14, 1907.

V. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-100
LMC

Cher R 1019

Trans from Cher D16

Cher R 1019

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FAIRLAND, I.T. JULY 11, 1900.

In the matter of the application of Lenora Prather et al.,
for enrollment as citizens of the Cherokee Nation, said Prather
being sworn by Commissioner Brackenridge, testified as follows:

- Q What is your name? A Lenora Prather.
Q Your age, please? A 32.
Q Your postoffice address? A Grove.
Q What is your district? A Delaware.
Q Is that your permanent home? A Yes.
Q How long have you lived there? A Since January.
Q Where did you live before that? A Cowskin prairie.
Q How long did you live there? A part of the time for the past
three years.
Q Where were you born? A In Arkansas.
Q When did you move to the Territory? A About three years ago.
Q This is my home but I don't stay there all the time.
Q You do not stay in Arkansas all the time? A On Cowskin prairie.
Q How long have you been identified with this Indian territory?
A I married in '92.
Q Do you claim as a Cherokee by blood? A No sir.
Q You married a Cherokee? A Yes.
Q When did you marry? A In '92.
Q Is your husband living? A No sir.
Q Have you your certificate of marriage? A No sir.
Q What proof have you here to make claim for citizenship? A There
are parties here that can identify me.
Q Are you on any of the rolls of the Cherokee Nation? A I am on
the 1896 roll.
Q Married in '92? A Yes.
Q You haven't got your certificate of marriage? A No sir.
Q Your husband is dead? A Yes.
Q Where have you lived since '92? A Part of the time I lived in
Missouri.
Q When did your husband die? A In January, 1895.
Q Where did you live between '92 and '95? A Part of the time on
Cowskin prairie and part of the time in Missouri.
Q Where did you live the greater part of the time? A Cowskin
prairie.
Q Your husband died in January, 1895? A Yes.
Q Where have you lived since then? A On Cowskin prairie most
of the time.
Q She is identified on the roll of '96 as Leona Prather,
aged at that time 28 years, page 585, number 418.
Q What was your husband named? A Richard L. Prather.
Q You say he was a Cherokee? A Yes.
Q Was your husband on the roll of 1880? A I suppose so.
Q What evidence have you that your husband was a citizen of the
Cherokee Nation? A He has been a citizen for the last 25 years
or more abouts.
Q Have you any certificate of adoption? A No sir, I suppose his
father has.
Q Where is his father? A In Vinita, Robert Prather.
Q Where did he (her husband) die? A Southwest City, MO. He was
killed there.
Q Is your husband's father still living? A Yes. He is living in
Vinita.
Q What is the name of your husband's father? A Robert Prather.
Q Is there any Robert L. Prather sr.? A Yes.
Q Was your husband known as Robert L. Prather sr. or jr.? A Sr.,
he was 44 years old.
Q Have you any children? A Yes, two.

There is a Robert L. Prather, Jr., recorded on the roll of
'94, page 445 number 2210.

- Q You understand that to be your husband or your son? A My step-son.
- Q You do not recognize that as the entry of your husband's name, but the entry of your step-son? A Yes.
- Q Your husband's name was Robert L. Prather? A Yes.
- Q Do you know of any other Robert L. Prather except your husband and son? A No sir.
- Q There are two Robert Prathers shown by the roll of '94, one is Robert Richard M. Prather and the other is Richard L. Prather, Jr. ? A Richard Prather is my husband.
- Q You claim that Richard Prather is the enrollment of your husband. There is one Richard L. Prather Jr., you have to claim one of these as your husband? A I claim Richard Prather is my husband.
- Q Do you know any other Richard Prather besides these two? A No sir.
- Q One of whom you think is your husband and the other your step-son? A Yes.

By Mr. Hastings, Cherokee attorney:

- Q Robert L. Prather married prior to your marriage to him? A Yes.
- Q To whom do you know? A He married Miss Rogers first.
- Q What became of Miss Rogers? A She died.
- Q He married the second time? A Yes.
- Q Whom? A A Miss Carr.
- Q Where is his second wife? A She is living-- she is Mrs. Weir.
- Q When did he separate from his second wife? A I don't know-- it has been about 11 or 12 years ago.
- Q Had he separated from his second wife at the time you married him? A Certainly.
- Q How long before your marriage had he separated from his second wife? A About 3 years I suppose.
- Q Had he ever secured a divorce from his second wife prior to your marriage? A Yes.
- Q When was that divorce granted, if you know? A I don't remember, it was in Vinita.
- Q Do you know whether or not he lived with her after this divorce was granted? A No sir, he did not.
- Q Do you know where that divorce was obtained? A Vinita.
- Q Before what court? A No sir, I don't know. It must have been before Mr. Hooley Bell at Vinita.
- Q There was no court there? A It might ~~have been~~ it not have been at Vinita then. I don't know much about that part of it.

By the Commission:

- Q How do you know he obtained a divorce? A He told me so.
- Q You did not see the divorce? A No sir, I did not see it. She married about the same time he did.
- Q Did you know her? A Yes.
- Q Do you know her to be married? A Yes, she has three children.
- Q You just have full confidence and belief in the divorce, you have no legal evidence of it? A No sir, I have no legal evidence of it.
- Q Cannot you secure a copy of the decree of divorce? A I suppose I can.
- Q And a copy of your marriage license and certificate? A Yes, I think so.
- Q When was your marriage license issued and that of your husband? A Claremore in '92.
- Q Did your husband claim to be a Cherokee by blood? A Yes sir.
- Q What was his father's name? A Robert Prather.
- Q Is he on the roll of 1880? A I supposed they were all on the roll.

(3)

- Q How long did you live in Southwest City, Mo. A I didn't live there very much-- my home was on Cowskin prairie.
- Q How long have you been living in Southwest City, Mo? A About a year.
- Q Where did you marry? A Claremore.
- Q How long did you live in Claremore after you married? A I went straight home.
- Q Where was your home then? A Southwest City, Mo.
- Q And you lived there how long? A A little while and then I went to Cowskin prairie to the farm.
- Q Where were you living at the time your husband was killed? A Southwest City, Mo.
- Q And have lived there continuously since then? A No sir, I have lived on Cowskin prairie half of the time.
- Q When did you move the last time back to the Cherokee Nation? A January, 1900.
- Q Immediately before January, 1900, how long had you lived in Southwest City? A About a year.
- Q So you moved backwards and forwards from the farm to Southwest City? Do you know where you were living in '98, three years ago? A I guess I was at the farm on Cowskin prairie.
- Q Did your husband have a home in Missouri? A Yes, he had a house and lot.
- Q You were married in what year? A '92.
- Q You and he lived mostly in Missouri after your marriage? A No sir, we stayed in Missouri awhile and on the farm awhile.
- Q Have you any property in Missouri? A No sir.
- Q Is all your property in this Territory and in this District? A Yes, I have a house and lot in Grove.
- Q Have you any home outside of the Territory? A No sir.
- Q Have you had for the last 5, 6 or 7 years? A I don't call it home.
- Q How far is Southwest City from the Territory line? A Between 7 and 8 miles.
- Q And how far from the farm? A Between 7 and 8 miles.
- Q Mrs. Prather, have you any children? A Two.
- Q And you want to apply for them? A Yes.
- Q What ages are these children? A Between 5 and 6.
- Q Please give their names now, the eldest first? A Sam Houston, past 6 years old. (This child is identified on the roll of 1896 as Samuel H. Prather, page 514, number 2348. This child is also identified on the roll of 1894, page 445, number 2211.)
- Q Your next child? A Maggie, 5 years old. (This child is recognized on the '96 roll page 514, number 2349.)

This case will be put upon the doubtful list, and Mrs. Prather you need, as far as we are prepared to speak at this time, to get evidence, first of the divorce of your husband from his former wife. You can doubtless find where that divorce was granted and get a certified copy of the decree. When you get that certified copy of the decree you should forward it to this Commission through the mail at Muskogee, I.T. Then you need to make inquiry as to when and how your husband became a citizen of the Cherokee Nation. There seems to be an impression that he received a certificate of citizenship from the Cherokee Council. Your husband's father is living and you can doubtless learn how he acquired his citizenship. And you need then to furnish the Commission with an official copy of whatever evidence exists of that character. It seems to be quite well set forth that your property is in this Nation, and that your home has been simply across the line, that you go back and forth as is frequently the case, and your husband being upon the record to the extent that he is given the Commission jurisdiction, but it does not decide the matter necessarily in his favor; you need, therefore, to give us evidence of his citizenship and evidence of his divorce, which is necessary to legal-

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BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.

...so, for purposes here considered, the marriage which took place.

Brown McDonald

Brown McDonald, being sworn by Commissioner Breckenridge, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Sworn to and subscribed before me this 12th day of July, 1900,
at Fairland, I.T.

Clifton R. Breckenridge

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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for purposes here considered, the marriage which took place.

BEING CHAIRMAN.

The foregoing is a full, true and correct transcript of his notes.
reported in full the testimony of the above named witness; and that
as stenographer to the Commission to the Five Civilized Tribes, he
Brown McDonald, being sworn by Commissioner Breckinridge, says

at Belknap, I.T.
Sworn to and subscribed before me this 18th day of July, 1900.

Commissioner.

Supl.-C.D.#16.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 8th, 1901.

SUPPLEMENTAL ORDER in the matter of the enrollment of Lenora
Prather, et al., as Cherokee citizens:

APPEARANCES:

MR. P.C.Davis, Attorney for Applicants;
Mr. W.W.Hastings, Attorney for Cherokee Nation.

Commissioner Needles: Applicant by Mr. Davis, Attorney,
comes and files proof of divorce between Hattie A. Prather and
Richard L. Prather, and asks that reference be made to the tes-
timony taken in the matter of the application of Robert A.
Prather, et al, on straight card #4014, as to the citizenship
of Richard L. Prather.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 8th, 1901.

J. O. Rosson

Commissioner.

Superscribed and sent to Robert M. Smith Oct. 20th 1901.

moreover referred.
According to a true and complete transcript of the statement
recorded the following was the substance of the case, and that the
father to the Commission in the name of the said father as co-plaintiff
J. O. Benson, and the said father, states that as follows:-

of Richard M. Benson,
father, at all on the 11th day of the month of
Florida taken in the name of the Commission of Robert A.
Richard M. Benson, and as the evidence be made to the
court and files in the name of the Commission of Robert A.
Commissioner of the
of the Commission of Robert A.
of the Commission of Robert A.

Subscribed and sent to Robert M. Smith Oct. 20th 1901.

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SUPPLEMENTAL: Cherokee, D-16.

TESTIMONY ON THE PART OF THE APPLICANT:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., Oct. 9, 1903.

In the matter of the application of Lenora Prather et al, for
enrollment as Cherokee Freedmen.

Appearances:

Preston S. Davis, attorney for applicant;
J. L. Baugh, of Representatives of Cherokee Nation.

LENORA PRATHER, being sworn by Commissioner Needles, testified
as follows:

BY MR. DAVIS:

- Q What is your name? A Lenora Prather.
Q What is your age? A 38.
Q Your post-office address? A Grove, Indian Territory.
Q The district in which you lived? A Delaware.
Q What was your husband's name? A Richard L. Prather.
Q What was his father's name? A Robert A. Prather.
Q What was his mother's name? A Carolina Prather.
Q Where were you married to your husband? A Claremore.
Q When? A November 20th, 1892.
Q Did he procure a license for this marriage? A Yes sir.
Q Where? A Claremore.
Q From whom? A The clerk, Joe Lahay.
Q Clerk of that district? A Cooweescoowee.
Q Did you ever see this license? A Yes sir.
Q Were they in the possession of your husband after your marriage?
A Yes sir.
Q Were you ever able to find them after his death? A No sir.
Q Have you had any search made of the marriage records of Cooweescoowee District of late to find these, that record? A Yes sir.
Q Were you able to find it? A No sir.
Q Did you ever read those license? A I have.
Q You have read it? A Yes sir.
Q And you said that he had the license in his possession? A
Yes sir.
Q You were married in Claremore? A Yes sir.
Q You remember any one that was present at that marriage? A My
parents.
Q What is your father's name? A M. S. Jackson.
Q What is your mother's name? A M. S. Jackson.
Q Your father M. S. and your mother M. S.? A Yes sir.
Q Where do they live now? A In Texas.
Q You know what county? A Stone wall I think that is it, I don't
just remember.
Q Are they old people? A Yes sir.
Q I wish you would examine this? A (Hands applicant paper.)
Q What are those papers? A Affidavits.
Q Affidavit of your father and of your mother, in regard to this
marriage? A Yes sir.

MR. DAVIS: We would like to offer these, if your Honor please,
these people are old and live down in the State of Texas.
They seem to be in proper form.

MR. BAUGH: We will have to object to the accepting of the
affidavits.

COM. NEEDLES: As I have told you, Mr. Davis, it is not the
custom or the rules of the Commission to accept affidavits at
this time, and their acceptance is objected to by the Repre-
sentatives of the Cherokee Nation. I think the marriage-

MR. DAVIS: I simply offered them for what they are worth. The
people are old; they seem to be in very moderate circumstances.
I shall follow it up with the proof of common law marriage.
She was married at home, and it was a quiet wedding.

Lenora Prather et al 2

COM'R NEEDLES: Affidavits will be filed for what they are worth, but the Commission will not accept them at this time as testimony.

BY MR. DAVIS:

Q You were married under these license that your husband procured at Claremore? A Yes sir.

Q At whose home were you married? A My father's.

Q Your father's home? A Yes sir.

COMMISSIONER NEEDLES: This testimony will be filed with the papers in the case.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this October 10th, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 16th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
Lenora Prather, et al., as Cherokee citizens; introduced on part
of applicants:

APPEARANCES:

Mr. P. S. Davis, Attorney for Applicants;
Mr. J. L. Baugh, of Counsel for Cherokee Nation.

ROBERT A. PRATHER, being duly sworn by Commissioner Needles, testified as follows on part of applicants:

- MR. DAVIS: State your name to the Court? A Robert A. Prather
- Q How old are you, Mr. Prather? A I will be 76 in May.
- Q Are you the applicant in case No. 4014, Robert A. Prather, et al? A I reckon I am.
- Q That is the number of the case, No. 4014, you are the applicant there? A Yes, sir.
- Q What is the name of your wife? A Caroline Prather.
- Q I will ask you if you and your wife, Caroline Prather, had a son by the name of Richard L. Prather? A Yes, sir, Richard Lewis Prather.
- Q At the time of the death of your son, Richard L. Prather, was he married to a woman named Lenora Prather, and living with her? A I didn't see them married, but they was living, he was living with a woman, Lenora, she was considered his wife. They was married I think at Claremore.
- Q Mr. Prather, in your case, 4014, you offered as exhibits to the Commission certain citizenship papers issued to you and your wife in '86 and in 1870; I will ask you, if at the time you and your wife were admitted to citizenship, Richard L. Prather was admitted and included in these same papers? A Yes, sir, his name was on the papers.
- Q I will ask you if you ever turned over to me as attorney for Lenora Prather these same original papers that were offered as exhibits in your case, No. 4014? A I suppose I never turned over but one batch to you.
- Q They are the same papers you turned over to me. A I suppose they are.
- Q You say that Caroline C. Prather is the mother of Richard L. Prather? A Yes, sir.
- Q And you are the father of Richard L. Prather? A Yes, sir, we raised him.
- Q You raised him as your son? A Yes, sir.
- MR. BAUGH: Why, Mr. Prather, were you folks admitted in '86?
- A Well, we passed through that, there was a reexamination called and we passed through successfully as I know.
- Q You were admitted in '70? A ~~That~~ We was admitted by the Daniels Court in '71.
- Q Your wife was the only one that was admitted at that time?
- A I guess so, I wasn't there.
- Q Now, then, isn't it a fact ~~that you~~ you were accused back in 1886 before the Commission Court, and that the Cherokee Nation alleged that fraud had been practiced in your case, in 1870; in the case of your wife? A Yes, sir.
- Q In the examination of that case and the findings of the Court wasn't it this, that they found that no fraud had been practiced in the admission of the person who was admitted, that was your wife?
- MR. DAVIS: I object to this question for the reason that it is incompetent, immaterial and irrelevant, that these papers are the best evidence, certified copies of which is filed in case D.#16, they show what was done.
- Commissioner: Objection will be noted and witness answer.

Mr. Baugh: The Cherokee Nation proposes to make that as a foundation and to show that the persons that were placed on the certificate at the time were placed there without any authority, or without the authority of the Court itself.

Q Is that a fact? A I don't know.

Q Well, the case was simply tried upon the question of fraud itself in the admission of your wife, wasn't it? A I don't know, the papers are here.

Q Did you go with your wife and them to make a new application for citizenship in 1886? A I don't think that I did, I might but I don't recollect it.

PRESTON S. DAVIS, being duly sworn by Commissioner Needles, testified as follows in behalf of the applicants:

Mr. Davis: I desire to state that the papers mentioned in the testimony in case #4014, Robert A. Prather, et al; the originals were turned over to me as Attorney for Lenora Prather, the wife of Richard L. Prather, and certified copies of the same were made by me, that same certified copies of said papers, certified to by me as a Notary Public, are now on file in case D.#16; and that said papers show upon their face that Richard L. Prather was admitted at the time his mother, Caroline C. Prather, was admitted to citizenship in the Cherokee Nation; that those certified copies are correct and were duly compared by me in all respects with the original papers here filed by me as Attorney for the applicant.

COM'R NEEDLES: Where are the original papers? A Mr Prather has them.

Com'r Needles: The testimony taken will be made a part of the record in the case at bar, and upon the request of the attorney for the Cherokee Nation will be made part of the record in the case of Robert A. Prather, et al., No. 4014.

Mr. Davis: I desire to introduce in evidence that portion of the amendments of the Constitution of the Cherokee Nation relating to citizenship in said Nation by intermarriage, as found at the beginning of the compilation of the Cherokee laws of 1892, and is amendment of Article Three, Section Five, pages 33 and 34, compiled laws of the Cherokee Nation, edition of 1892.

Com'r Needles: It will be done.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 21st, 1901.



Commissioner.

Supl.C.-D.#16.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 28th, 1901.

SUPPLEMENTAL PROCEEDINGS in the matter of the enrollment of
LENORA PRATHER, ET AL., as Cherokee citizens:

APPEARANCES:

Mr. P. S. Davis, Attorney for applicants;
Mr. W. W. Hastings, for Cherokee Nation.

Mr. Davis: I applicants offers in evidence Section 5 of the Amendments to Article 3 of the Cherokee Constitution, approved in general convention of the Cherokee people held at Tahlequah, on the 28th of November, 1866, as found on page 33-4 of the compiled laws of the Cherokee Nation, edition of 1892.

Also Article 16 entitled "Intermarriage of White Men and Foreigners," Section 659 to 669 inclusive, pages 329 to 334 inclusive, compiled laws of the Cherokee Nation, edition of 1892.

I also desire to offer in evidence the affidavit of William P. Mayes tending to show a common-law marriage between the applicant, Lenora Prather and her husband, Richard L. Prather, deceased.

Com'r Needles of Mr. Davis: Is William P. Mayes living?
Mr. Davis: Yes, sir.

Com'r Needles: The introduction of the affidavit is refused for the reason that William P. Mayes is living and no reason is shown why the witness cannot appear in person.

Mr. Davis: We except the ruling on the ground that we can't get witnesses to come here, but can get their affidavit.

Mr. Hastings of Mr. Davis: Wasn't William P. Mayes in town yesterday?
Mr. Davis: I don't know.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded his testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 28th, 1901.

W. W. Hastings

Commissioner.

SUPPLEMENTAL: CHEROKEE D-16.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Lenora Prather et al for
enrollment as Cherokee citizens.

Appearances:

Preston S. Davis, attorney for applicant;
J. S. Davenport, attorney for Cherokee Nation.

COMMISSIONER BRECKINRIDGE: In the case of Lenora
Prather, et al/, Cherokee D 16, the attorney presents
a duly authenticated ~~xxxxxxx~~ copy of the record as appears
on page 12, Citizenship Record, of the Cherokee Nation, said
copy being signed by J. T. Parks, Executive Secretary, under the
Seal of the Nation, to the following effect:

Cherokee Nation,
vs.
R. A. Prather, and family.

Charged with obtaining citizenship in the Cherokee
Nation through fraud and bribery. Whites and Indians
admitted to Cherokee rights.

From said original record is given the name of Caroline
C. Prather, Cherokee by blood, and children, to-wit' Richard
T. Prather, Margaret J., Robert T., Harriet, L., Samuel A.,
Thomas W. and George B.

The document further says:

I hereby certify that the above list of names
of the Prather family is true and correctly copied from
the official report made to this Department on June 21,
~~1861~~ 1871, by the Supreme Court acting as a Court of
Commission by authority of an act of the National Council
Approved December 3, 1869, empowering said Court or Com-
mission to try certain claims of Cherokee citizenship
and to finally decide the same, and to make report of
their decisions to this Department as the said report is
of record in this Department.

In Witness Whereof, I hereunto set my hand and
affix the Seal of the Cherokee Nation, on this 26th day
of November, A.D., 1886.

(signed) W. P. Boudinot,
Executive Secretary, C.N.

The document giving the foregoing as of the official
record of the Cherokee nation is dated, Executive Department,
Cherokee Nation, August 26, 1900, Tahlequah, I.T., and is as
follows:

I hereby certify that the foregoing is a true and
correct copy of the record on file in this office as
appears on page 12, Citizenship Record.

(signed) J. T. Parks,
Executive Secretary, C.N.

Seal of the Nation attached.

There is also presented the following:

Executive Department, Cherokee Nation,
Tahlequah, I.T., September 28, 1900.

Lenora Prather, et al (sup) 2

I, A.B. Cunningham, Assistant Executive Secretary of the Cherokee Nation, hereby certify that the records of this office show that the Supreme Court of the Cherokee Nation, sitting as a Court of Commission, in the year 1870, December 19th, did try and decide the rights of persons returned, on the census rolls whose rights to citizenship were doubtful, was composed of Chief Justice R.B. Daniel, Judge John S. Vann and Redbird Sixkiller, and W.H. Turner, as clerk.

In Testimony Whereof, I hereunto set my hand and affix the Seal of the Cherokee Nation this the 28th day of December, 1900.

(signed) A.B. Cunningham,
Assistant Executive Secretary.

Seal of the Nation affixed.

It being desired by the attorney to use these papers in other cases the foregoing citation is made as adequate evidence of what is set forth.

BY MR. DAVIS: Applicant offers in evidence the Act of the National Council of the Cherokee Nation approved December 3, 1869, empowering the Supreme Court of said Nation to try certain claims to Cherokee citizenship, and finally decide the same and make report of their decisions to the Executive Department of the Cherokee Nation, as mentioned and set forth in the above certified copy.

MR. DAVENPORT: The Representatives of the Cherokee Nation object to the citation and pretended offer of an act unless the Act is presented.

COM'R BRECKINRIDGE: The act referred to is not presented at this time, and what has been stated is simply accepted as reference to that act for consultation in case it may be found to exist and according to its terms.

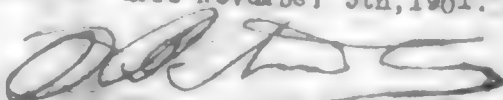
MR. DAVENPORT: We object to the introduction of the certified copy of from the Cherokee Nation, for the reason that it does not purport to be the original act under which Caroline Prather was admitted, and the additional reasons that opening up the case did not give the Commission the right to admit any additional, but to investigate the question as to whether there was any fraud in the original admission.

COMMISSIONER BRECKINRIDGE: Objection will be noted for the further consideration of the Commission.

COMMISSIONER BRECKINRIDGE: This will be filed as supplemental testimony and evidence in Cherokee Straight case D16.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 5th, 1901.



Commissioner.

Supl.-C.D.#16.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
LENORA PRATHER, ET AL., as Cherokee citizens:

This case set for final hearing February 15, 1902, and
applicant appears by Attorney Preston S. Davis, Vinita, I. T.
Mr. W. W. Hastings, present for Cherokee Nation.

Mr. Davis: I desire to submit this case finally at this
time.

Commission: By agreement between the representatives
of the Cherokee Nation present, and the applicant's attorney,
this case is submitted to the Commission for final consideration
and the attorney for the applicant will be given ten days in
which to file a brief, one copy with the Commission and one
copy with the representatives of the Cherokee Nation.

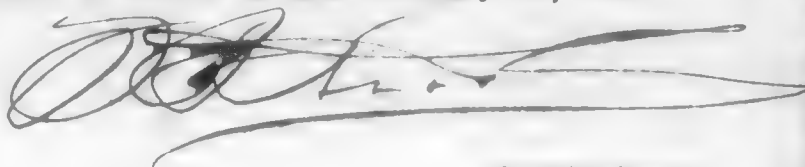
The representatives of the Cherokee Nation will likewise
be given an opportunity to file a brief in this case, one copy
with the attorney for the applicant, and one copy with the
Commission.

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J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. O. Rosson

Subscribed and sworn to before me this February 19, 1902.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 24, 1902.

In the matter of the application of Laura Prather et al for
enrollment as citizens of the Cherokee Nation.

SUPPLEMENTAL TO D-15.

APPEARANCES:

Preston S. Davis, Vinita, I.T., in behalf of applicants.
J. C. Starr in behalf of Cherokee Nation.

ROBERT A. PRATHER, being first duly sworn, testified as
follows:

MR. DAVIS: State your name? A Robert A. Prather.
Q How old are you, Mr. Prather? A I am 76.
Q Are you the husband of Caroline Prather, in case No. 4014, before
this Commission? A I suppose so.
Q You are? A Yes, sir.
Q What kin are you to Richard L. Prather, deceased? A I am
his father.
Q What kin is Caroline Prather to Richard L. Prather? A She was
his mother.
Q Are you the R. A. Prather that testified in this case before the
Commission at Vinita? A Yes, sir, I am.
Q Well was Richard L. Prather living on December 19, 1870? A Yes,
sir.
Q How old or about how old was Richard L. Prather at that time?
A He was betwixt 16 and 17 years old, I reckon, between sixteen and
seventeen, quite young.
Q He was living at that time, but was under age, was he, he was a
minor? A Yes, sir.
Q At the time his mother, Caroline Prather, was admitted to citizen-
ship before the Bob Daniels Court was Richard L. Prather alive? A
Yes, sir.
Q How old was he at that time? A Well he was 16 or 17 somewheres
along there, I don't know just exactly.
Q From that time on, from the 19th of December, 1870, the time his
mother was admitted to Cherokee citizenship before the Bob Daniels
Court, did Richard L. Prather ever leave the Cherokee Nation to make
his home anywhere else permanently? A No, sir.
Q He didn't, you say? A No, sir, he didn't.
Q Did he ever leave the Nation at any time at all? A Yes, sir, he
went to Sulphur Springs, Texas, took that little girl, Minnie, to
the Springs in Texas, Sulphur Springs, and was gone I think about a
year, and then he came back.
Q What property or what effects did he leave in the Cherokee
Nation at that time? A Well he had a place and his property and
his little boy was at my house, he died while, I think while he was
gone.
Q What did he take while he was gone, any horses or furniture or
anything of the kind? A Well he bought some horses, and then he
traded off at Black Mountain down here for cattle and brought them
over here.
Q Bring the cattle back to the Nation? A Yes, sir.
Q What did he do with them? A He left them with me to take care
of them, I don't know how much he paid, four or five hundred dollars.
Q Had he had his place there in the Nation during all that time? A
Yes, sir, he always had a place in the Cherokee Nation.
Q And you say then that from the time his mother was admitted in
1870 before the Bob Daniels Court that Richard L. Prather, your son,

never permanently left the Cherokee Nation to make his home anywhere else? A No, sir.

MR. STARR: When was Richard L. Prather born? A Well he was born, I don't know as I can state the date, but I could take his age from the Bible, the book. '28 or '32 I think, must have been born about '32, because Annie was born June 1st, Jim Tittle's wife, 1850, and I think '32 I guess, a little more than two years difference in their ages.

Q Is this Annie that you mention your eldest child? A She was the eldest child.

Q How much older is she than Richard? A Well I think she's nearly two years; she was born, June, '30, she must have been.

Q What's the name of the one that's younger than Richard, next one, next one to Richard? A I believe it's Mollie J.

Q What? A I believe it's Mollie J., Parks now.

Q How old is she? A Well I couldn't say.

Q When was she born? A She was born, well there was about two years, it might have been that much or mightn't be quite that or it might be a little over. Well she was born '33 or '4 or '5, right along there, I couldn't, I don't remember it.

Q How much older is Richard L. Prather than Mollie Parks? A Well he's about two years I suppose.

MR. HARRIS: Where is Lenora Prather and her children living?

A They live in Grove.

Q In the Cherokee Nation? A Yes, sir.

Q Indian Territory? A Yes, sir.

Q How long have they been living there? A I don't know, some four or five years.

Q They were living there at the time Richard L. died? A No, sir, they was in Southwest City when he was killed.

Q Have a place in the Nation? A Yes, sir, he had a place in the Nation.

Q Near Grove? A Yes, sir.

Q The record all previously shows that, shows that she was living in the state and coming back and forth.

MR. STARR: Where was she living in 1886? A I expect she must have been living at Southwest City; she might have been; I don't know.

Q Where was she living in June, 1886? A She was living in Southwest City, that's where she was.

MR. DAVIS: Now, Mr. Prather, to call your attention; you have testified that in 1870 Richard L. Prather was about 16 or 17 years old? A Sixteen or seventeen.

Q Sixteen or seventeen years old; then he couldn't have been born in 1852 could he? A I can't tell.

Q That would have made it, 32 from 70 would leave 38, wouldn't it?

A I don't know.

Q Do you remember dates at all? A I have neuralgia and it gets way down here. (Indicating)

Q You don't remember dates or years? A No, I can't.

Q Are you able to state whether or not in 1870 you remember the time your wife was admitted to citizenship; I will ask you if you remember the fact as to whether or not Richard L. Prather at that time was a minor or was of full age? A I know he was a minor.

Q He was a minor? A Sixteen or seventeen.

Q You are positive about that are you? A Yes, sir.

Q You say you don't remember dates or years? A No, not just exactly.

CHESTER JACKSON, being first duly sworn, testified as follows:

MR. DAVIS: State your name to the court. A Chester Jackson.

Q How old are you, Chester? A 20 years old.

Q Where do you live? A My home is in Texas; at the present time I am at my brothers at Kiowa Ferry here in the Nation on Grand River.

Q What kin are you to Lenora Prather, the applicant in this case? A Brother.

Q Where is she living now? A Grove Springs.

Q In the Cherokee Nation? A Yes, sir.

Q Indian Territory? A Yes, sir.

Q How many times has she been married? A Twice.

Q What was her last husband's name? A Prather.

Q What Prather? A Dick Prather.

Q Richard L. Prather? A Yes, sir.

Q Where was she married to Richard L. Prather? A Claremore, Indian Territory.

Q Do you know what year? A 1892.

Q What time of the year, spring, summer, fall or winter or when? A To the best of my knowledge it was in the fall.

Q In the fall of 1892 at Claremore; were you present at that wedding? A Yes, sir.

Q Did you see her married? A I did.

Q Who married her? A Jacks.

Q A Minister? A Yes, sir.

Q After her marriage to Richard L. Prather—where was the ceremony performed, in the church or where? A In our home.

Q Were you living in Claremore at that time, your people? A Yes, sir.

Q She was married at home was she? A Yes, sir.

Q After her marriage to Richard L. Prather did they live together as man and wife? A Yes, sir, they did.

Q How do you know? A I lived with them.

Q How long did you live with them after their marriage? A I lived there at one time about six months.

Q Did they have any children of this marriage? A Yes, sir, they had two children.

Q Those children living now? A Yes, sir.

Q Did they live together as man and wife after they were married? A They did.

Q Was she a citizen of the Cherokee Nation prior to her marriage to Richard L. Prather or a citizen of the United States? A She was a citizen of the Territory.

Q Citizen before she married Prather? A Yes, sir.

Q She claimed her citizenship through her marriage to Prather? A Yes, sir.

MR. STARR: Where did Richard L. Prather and Lenora Prather live after they were married? A Lived at Southwest City.

Q How long did they continue to live there? A They lived there till he was killed, I don't know exactly how long, I couldn't say.

Q Where was Lenora Prather living in 1892? A Why I couldn't say whether she was living at Southwest City or in the Nation, I don't remember.

MR. DAVIS: You say you can't say? A No, sir, she was either at Southwest or Grove Springs.

Q I will ask you if during the time they lived in Southwest City they had a farm in the Cherokee Nation? A They did.

Q How far from Southwest City? A About twelve miles I think.

Q I will ask you if they would come and go to that place? A Yes, sir.

Q Kept that farm there during the whole time? A All the time.

Q Did she afterwards leave on this same farm and go to living there? A No, I think not, I don't remember whether she ever lived on the

farm after that or not.

Q Is she living on that farm now? A No, sir, she's living in town, town of Grove.

Q She owns a farm near there? A Yes, sir.

Q The same farm? A They had.

Q The same farm they had all during the time they lived in Southwest City? A Yes, sir.

Q Still owns that place? A Yes, sir.

Q You say they owned it all during that time? A Yes, sir.

Q About how many miles did you say from Southwest City? A Twelve miles I think.

Q About twelve miles over on the Territory side? A Yes, sir.

Q She's living on that farm? A No, sir.

Q She lives in town but still owns the farm? A Yes, sir.

Q How long has she been living in Grove in the Cherokee Nation? A I couldn't say for certain.

Q Well about how many years? A I think about three or four years.

Q Children living with her? A Yes, sir.

Q They are both miners? A Both miners.

MR. STARR: Has she been living in Grove three or four years, which is it? A I couldn't say; three or four years; I don't know just exactly.

Q Did she move from Southwest City to Grove? A Yes, sir.

Q Been living in Southwest City until she moved to Grove? A Yes, sir, she's been living in Southwest City ~~until~~ since she was married till she moved to Grove.

L. B. BELL, being first duly sworn, testified as follows:

MR. DAVIS: State your name, Colonel? A L. B. Bell. This young man knows it.

Q What's your age? A 64.

Q You are a Cherokee by blood, living in Vinita? A Yes, live at Vinita.

Q Do you know Richard L. Prather in his life time, the son of Robert A. and Caroline Prather? A Yes, sir.

Q Can you remember how old Richard L. Prather was in the year 1870?

A Why I couldn't hardly tell you that; first time ever I see Dick Prather was about '88, he looked like a boy sixteen or seventeen years old, only a matter of guess.

Q I will ask you if in 1870 he was a minor or a man of full age?

A Well I couldn't.

Q Well you know him; you say you saw him in '88? A Well that would make it then that he would have been twenty, about twenty years old, but I don't recollect of seeing Dick Prather after '88 for some two or three years.

Q You saw him in '88? A I think in '88, that's the first time ever I see him; it was in that year I sold his father a place; that's the first time I ever saw any one of the family; he looked like to me a young man of seventeen, probably it might have been older than that or he might not have been quite so old, but I never kept no particular record with me.

Q Well at that time was he of age or under age? A Well I think he was under age the first time I seen him, yes, sir.

MR. STARR: You don't know when he was born do you? A No, as I stated at the start the first time I ever saw him I think was in '88 and then he was sixteen or seventeen years old, and I guess he had been born sometime previous to that. No, I don't know really anything about his age, and that's been a good while ago, something more than thirty years, it's pretty hard for a man to speak definitely about a thing of that sort unless it was of more import than that would be to him now. There was two or three Prather boys, and my

understanding was that Mick was the eldest one of the bunch.

MR. DAVIS: Colonel, do you know anything about the enrollment of Richard L. Prather as a citizen of the Cherokee Nation? A No, sir, nothing only in a general way, that the question of their admission was called up; it was the subject-matter of an inquiry into an act of the council passed somewhere along, well I think they were tried somewhere about '88 in the Adair Court as they called it.

Q Do you know whether they were admitted in that court, did you ever look up the records to see? A Well they were; the question of fraud was what was brought up, and it was decided that there had been no fraud in the presentation of the trial of the case; it's my recollection; the record and the matter, that would disclose that fact much better than I could.

Q Well you haven't looked that up? Did that include Caroline Prather the mother and the family, does it include the family? A Well the facts are about this: It appears that presenting their case before this commission they presented records that showed the admission of Caroline Prather simply, and following that the children were put upon a doubtful card, and at the instance of Mr. Parks, the son-in-law of Prather, I went down to Tahlequah and found records showing I believe the admission of the whole outfit, giving the names of the children, but that's a matter of record which is before this Commission I understand.

Q Well was Richard L. Prather included in that list that you found? A Well my impression is that he was, but I couldn't state absolutely that that's a fact now.

Q You say that's a matter of record that the Commission-- A I think it ought to be right here in this Commission now, my notion about it.

ROBERT A. PRATHER recalled;

MR. DAVIS: Did you have any son named Richard T. Prather? A No, sir.

Q What was the name of your son? A His name was Richard L. Prather, Richard Lewis.

Q Richard Lewis Prather? A Yes, sir, that was his name.

Q I notice in some of the papers the name of Richard T. Prather occurs; what should that be? A It ought to be Richard L. Prather.

Q Richard L. Prather? A Yes, sir.

Q You had no son by the name of Richard T. Prather? A Mick was the eldest, a baby that died was the next one, I don't recollect the rest then, but I know Mick was admitted, I saw it on the record myself.

Q You say you know he was admitted? A Yes, sir, his name is on the record before his mother.

COMMISSIONER: This testimony will also be filed with and made a part of the record in the matter of the application of Jesse Q. Prather for enrollment as a citizen by blood of the Cherokee Nation, and whose name appears on Cherokee Roll Card Field No. 8-976.

MR. DAVIS: What kin are you to Mollie J. Parks? A I am her father.

Q Her name was Mollie J. Prather before she married? A Mollie Jones Prather before she married.

Q Her husband J. V. Parks is your son-in-law? A No, sir, that wasn't his name, his name was John K. Parks.

Q He your son-in-law? A Yes, sir.

Q Married your daughter, Mollie Jones Prather; what kin is Mollie Jones Prather to Richard L. Prather? A She was his own sister, and I believe next in birth; it strikes me since I answered that question that she's next in birth.

Q Well she's a full sister to Richard L. Prather? A Yes, sir.

Q I will ask you if your daughter Mollie was sometimes called Margaret? A It's Margaret Jones.

Q Margaret Jones Parks? A Margaret Jones Parks, she was named after Aunt Margaret Jones. Well, Margaret and Mollie, she was sometimes called Margaret and sometimes Mollie.

Q Now I will ask that the testimony in that case by reference be made testimony also in the case of Jesse Q. Prather and in this case.

COMMISSION: It is directed that a copy of all the testimony had in the matter of the application of Margaret J. Parks, who has been listed for enrollment on Cherokee Roll Card Field No. 4018, be filed with and made a part of the record in the case at bar, as well as in the case of Jesse Q. Prather, D-976.

Q What kin is Jesse Q. Prather to Richard L. Prather? A He is the son.

Q His own son? A Yes, sir, I kept his family while he was gone to Texas and down on the river.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur C. Croninger

Subscribed and sworn to before me this 25th day of June, 1902.

[Signature]
Notary Public.

Cherokee B-16.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 3, 1908.

In the matter of the application of Lenora Prather for enrollment as an intermarried citizen, and for the enrollment of her children, Sam Houston and Maggie Prather, as citizens by blood of the Cherokee Nation.

Preston S. Davis, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Preston S. Davis.
- Q What is your age? A 33 this November.
- Q What is your postoffice address? A Vinita, I. T.
- Q Are you acquainted with Lenora Prather who is an applicant before this Commission for enrollment as an intermarried citizen? A I am.
- Q How long have you known her? A Well sir, I have known her for some seven or eight years.
- Q What is her husband's name? A She has no husband; she is a widow.
- Q What was his name? A Richard L. Prather.
- Q How long has he been dead? A The exact date of his death I am unable to state, but he has been dead some three or four years; I suppose he was dead before she applied to the Commission for enrollment.
- Q Did Lenora Prather and her husband Richard L. Prather live together as husband and wife from the time you knew them up until his death? A Yes sir.
- Q They never separated during that time? A No sir.
- Q They were living together at the time of his death; he got killed, was thrown out of a wagon.
- Q Has Lenora Prather ever married since the death of her husband? A She has not, she is a widow now.
- Q Was she a widow on the first day of September, 1908? A She was.
- Q How long have you known her to live in the Cherokee Nation? A Ever since I have known her.
- Q For the last seven or eight years? A Yes sir.
- Q She has not lived out? A No sir.
- Q Do you know her two children, Sam Houston and Maggie? A Yes sir. They live with her near Grove I. T.; she lives on her place.
- Q Do you know whether Richard L. Prather was ever married prior to his marriage to this wife? A Yes sir, he was.
- Q Was his former wife living or dead at the time of his marriage to Lenora? A His last wife was divorced from him and the evidence of his divorce has been produced in the application and the papers.
- Q Was that divorce granted to him prior to his marriage to this woman? A Yes sir, a certified copy of it is on file as required by the Commission.
- Q She was living in the Cherokee Nation on the 30th day of June, 1898, was she? A Yes sir.

B-Lenora Prather.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Ashenbarger

Subscribed and sworn to before me this 4th day of October, 1902.

B. L. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 15, 1902.

In the matter of the application of LENORA PRATHER, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation; and for the enrollment of her two children SAM HOUSTON PRATHER and MAGGIE PRATHER, as citizens by blood of the Cherokee Nation:

The Commission: The Cherokee Nation makes satisfactory proof of service upon the applicant of notice that they would offer additional testimony on this day, tending to disprove her right to enrollment; and the applicant appears in person as well as by counsel, Preston S. Davis; the Cherokee Nation appearing by its representative J. C. Starr.

LENORA PRATHER, the applicant, being called as a witness, and being duly sworn and examined, testified as follows:

Commission:

Examined by ~~Commissioner~~ Examiner:

- Q Mrs. Prather, what is your name? A Lenora Prather.
Q What is your age at this time? A Thirty four.
Q What is your post office? A Grove.
Q Are you the same Lenora Prather that applied to the Commission for enrollment as an intermarried citizen of the Cherokee Nation in July, 1900? A Yes sir.
Q What was your husband's name? A Richard L. Prather.
Q Was he a Cherokee by blood? A Yes sir.
Q Is he living or dead? A He is dead.
Q When did he die? A In 1895.
Q When were you married to Richard L. Prather?
A In 1892.
Q Did you and Richard L. Prather live together as husband and wife from the date of your marriage to the time of his death?
A Yes sir.
Q You were never separated? A No sir.
Q Were you ever married prior to your marriage to Richard L. Prather? A Yes sir.
Q How many times? A One time.
Q What was the name of your first husband? A T. B. Lyons.
Q Was he living or dead at the time of your marriage to Mr. Prather? A He was dead.
Q Had Mr. Prather ever been married before? A Yes sir.
Q How many times had he been married? A Three times.
Q You were his fourth wife? A Yes sir.
Q Were all his former wives living or dead when you married him?
A His first wife was dead.
Q What was the name of his second wife? A Fannie Carr.
Q Had he been divorced from her? A Yes sir.
Q What was the name of the third wife? A Sarah Vann.
Q Had he been divorced from her? A I am mistaken, Sarah Vann was his second wife and Fannie Carr was his third wife.
Q Had he been divorced from her when he married you?
A Yes sir.
Q Since Mr. Prather's death in 1895, have you married?
A No sir.
Q You were still a widow and single on the first day of September, 1902? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since your marriage to Mr. Prather up to the present time?
A The biggest part of the time.

- Q How much of the time have you been out of the Cherokee Nation ?
A I lived on the farm part of the time and would go back and forth.
Q Now up to the time of Mr. Prather's death, did you and he live on the farm, or where did you live during his lifetime ?
A Part of the time in Southwest City.
Q During his lifetime you spent part of the time in Southwest City ?
A Yes sir.
Q The first year after his death where did you live ?
A Southwest City.
Q You still had the farm in the Cherokee Nation ?
A Yes sir.
Q Where did you live the second year after his death ?
A Stayed in Southwest City most of the time.
Q You didn't move on the farm and keep house on the farm during that time ?
A No sir.
Q The third year after his death about 1897, or 1898, where did you live ?
A About the last of May or first of June, in 1898, I moved to the farm.
Q You moved to your farm in the Cherokee Nation ?
A Yes sir.
Q How long did you live there ?
A I stayed there quite a while; I went back and forth.
Q Did you stay there all that summer ?
A Yes sir.
Q You say you went back and forth, where did you go to ?
A Southwest City.
Q Did you have a house in Southwest City ?
A I lived in property there that belonged to the heirs of my husband.
Q Did you have control of it ?
A Yes sir.
Q Did you keep the use of part of that property, the dwelling house ?
A Yes sir.
Q While you were on the farm in the summer of 1898, who occupied that dwelling house ?
A A family named Hayes.
Q How many months did they live there ? Did they pay rent for it ?
A Yes sir they paid rent; I don't know how long they stayed there.
Q After you moved to the farm, what time did you leave the farm in 1898 ? What time of the year ?
A I don't think I left there until 1900. I don't think I went back until 1900.
Q To Southwest City ?
A Yes sir. And then I moved to Grove. No, I went back in 1899, and in 1900 I moved to Grove.
Q You went back to Southwest City in 1899 ?
A Yes sir, I would go back and forth all the time.
Q You quit living on the farm in 1899, didn't you ?
A No sir, one of the renters lived in the house with me, and I went back and forth.
Q Back and forth to Southwest City ?
A Yes sir.
Q And in 1900 you moved to Grove ?
A Yes sir.
Q Been living in Grove ever since 1900 ?
A Yes sir.

Examined by P. S. Davis:

- Q How far is this farm from Grove ?
A Four miles.
Q How far is this farm from Southwest City ?
A Eight miles.
Q Did you own this farm when you first married Richard L. Prather ?
A Yes sir.
Q Did you own it all the time during the lifetime of Richard L. Prather, after you married him ?
A Yes sir.
Q Did you own any other farm during the lifetime of Richard L. Prather ?
A Yes sir.
Q Where was that ?
A At Bluejacket.
Q Indian Territory ?
A Yes sir.

Q Did you ever go out there ?
A Yes sir, we went out there often.
Q During all the time that you lived in Southwest City did you have any household effects on these farms in the Cherokee Nation ?
A His machinery and everything was out there, and farming implements.
Q Was he running these farms ? A Yes sir.
Q Did you ever move any household stuff down on the farm near Grove ? A After the death of Mr. Prather ?
A Yes sir.
Q When ? A About the last of May or the first of June, in 1898.
Q Did you have this household stuff on the place near Grove on June 28, 1898 ? A Yes sir.
Q What did you have there ? A Bedding, kitchen furniture, and household goods to keep house with.
Q Did you keep them there on from that date on up to the time you moved to Grove ? A Yes sir.
Q When did you move to Grove ? A In 1900.
Q Are you living there now ? A Yes sir.
Q You have two children by Richard L. Prather ? A Yes sir.
Q Living ? A Yes sir.
Q Minors ? A Yes sir.
Q What are their names ? A Sam Houston and Maggie.
Q Are they living with you ? A Yes sir.
Q I will ask you if, at any time since your marriage to Richard L. Prather, there has ever been a time that you didn't have furniture have a home or own property in the Cherokee Nation ?
A No sir.
Q Where have you always claimed your home to be since you married Richard L. Prather ? A In the Cherokee Nation.

Examined by J. C. Starr:

Q Where is this farm located near Grove ? Which direction ?
A Northeast.
Q Whose farms are adjoining it ? A James Turner on the east, and Nat Perry on the south.
Q Who is on the west ? A Mr. Stewart.
Q Who on the north ? A Mrs. James' farm, I think.
Q How many houses has this place got on it ? A Two.
Q Were both these houses occupied during the year 1898 ?
A I was in one of them.
Q Who lived in the other ? A I think Mr. Bagby was in one of them.
Q Which one ? A Uncle Alf Bagby. To the best of my knowledge I think it was Uncle Alf Bagby.
Q Which side of the farm is this house located on which you say you lived in ? A On the east part of the farm.
Q What time did you say you went there in 1898 ?
A The last of May or the first of June.
Q How long did you stay there in May, 1898 ? A I went there about the last of May or the first of June, 1898.
Q How long did you stay on this place ?
A I stayed there quite a while.
Q Did you go back to Southwest City at any time ?
A I was back and forth.
Q How much of the month of June were you on this place ? I mean June, 1898 ?
A I was out there the biggest part of the time. I was out there quite a good deal during the month of June.

- Q Did you have any household effects in the house at Southwest City at the time you were out at the farm in 1898 ?
 A I left some things there I couldn't put in my house there. It was small and leaked, and I hired my brother and another man to fix the roof.
 Q Did you ever spend the night on the farm in June, 1898 ?
 A Yes sir.
 Q How many ? A Several nights.
 Q How many nights did you spend in Southwest City in June, 1898 ?
 A I do not remember.
 Q Where were you in July, 1898 ? A At the farm, I suppose, most of the time.
 Q Were you in Southwest City at any time during the month of July, 1898 ? A I don't remember. I don't remember dates.
 Q Do you remember how much you were in Southwest City in June, 1898 ?
 A No sir, I was at the farm the most of the time. I would go back and forth.
 Q As a matter of fact, in June, 1898, didn't you stay in Southwest City as much as you did on the farm ?
 A No sir, I don't think I did.
 Q Did you stay at Southwest City any time during June, 1898 ?
 A I don't remember, sir. It's been so long I have forgotten.
 Q When did you go back to Southwest City to live ?
 A Well, I never went back there at all to make it my home.
 Q But you did go back there for a while after June, 1898 ?
 A I would go back and forth.
 Q How long did you stay in this house on the farm after you put these things in there in June, 1898 ? A How long did I stay ?
 Q How long did you continue to live there ?
 A A long while; I don't remember just how long, but a good long while. I never taken them away until I moved to Grove.
 Q Did you keep your part of your place at Southwest City until you moved to Grove ? A Had some furniture there, yes sir.
 Q How when did you move to Grove ? A In 1900.

Examined by Mr. Davis:

- Q From the time you moved this household stuff down on the farm the last of May or the first of June, 1898, from that time on, where did you claim your home, in Southwest City, Missouri, or in the Cherokee Nation ? A In the Cherokee Nation.
 Q Have you ever claimed your home anywhere else since that time, but the Cherokee Nation ? A No sir.
 Q Do you own any property now in Southwest City ?
 A No sir.

L. B. PRATHER, called as a witness on the part of the Cherokee Nation, being duly sworn and examined, testified as follows:

Examined by the Commission:

- Q State your name ? A L. B. Prather.

F. E. Davis: At this time applicant objects to the re-opening of this case, and to the introduction of any testimony by the Commission, or on the part of the Cherokee Nation, on the main issue of this case, as to whether or not the applicant Lenora Prather, and her two minor children, are entitled to enrollment as citizens of the Cherokee Nation, for the reasons, First: That, on January 30, 1908, the Dawes Commission issued a notice to the

applicant and to her two minor children, that, on the 15th day of February, 1902, this case would be taken up at Muskogee, in the offices of said Commission, for final consideration, notifying said applicant to be present, under the signature of Tamm Birby, Acting Chairman of the Commission. And on said 15th day of February, 1902, the applicant appeared before the said Commission by her attorney of record, Preston S. Davis, and the Cherokee Nation was then and there represented by W. W. Hastings, and the following record was then and there made:

Mr. Davis: I desire to submit this case finally at this time.

Commission: By agreement between the representatives of the Cherokee Nation present, and the applicant's attorney, this case is submitted to the Commission for final consideration and the attorney for the applicant will be given ten days in which to file a brief, one copy with the Commission and one copy with the representatives of the Cherokee Nation.

The representatives of the Cherokee Nation will likewise be given an opportunity to file a brief in this case, one copy with the attorney for the applicant, and one copy with the Commission.

The said record above quoted being enclosed to the said attorney for the applicant under date of February 28, 1902, under the signature of T. B. Needles, Commissioner in Charge; in which communication said Commission notified said attorney that "there is enclosed herewith a copy of agreement of counsel submitting the case, and the order of the Commission closing the testimony, in the matter of Lenora Frather, et al, for enrollment as citizens of the Cherokee Nation. You are entered as attorney in this case and have heretofore signed receipt for testimony. Yours truly, T. B. Needles, Commissioner in Charge; Cherokee D 16; Encl-J-9"; and for the further reason that, under the treaty the rolls were to be closed on the 31st day of October, 1902, and this case having been finally submitted under an order of the Commission as shown by the record, on the 15th day of February, 1902, said Commission having closed said case, and having so understood the said case was closed, it is unfair and unjust to said applicant, at the last moment here to re-open the said case and introduce new proof on the main issue in the case, the Cherokee Nation having had since July, 1900, to offer testimony in this case, and having, by their proper representative, on the 15th day of February, 1902, openly, before said Commission, declined to offer any further testimony, and having submitted finally the case to the Commission for its final consideration,

The Commission: Your objection will be noted, and the Cherokee Nation will be permitted to introduce such testimony as it may have subject to the objection of the applicant, to be passed upon by the full Commission.

Mr. Davis: Applicants excepts.

THE EXAMINATION OF L. B. FRATHER THEREUPON PROCEEDED.

Witness examined by J. C. Starr:

- Q Mr. Frather, what is your age? A I am 44 years old.
 Q What is your post office? A Grove, I. T.
 Q Are you acquainted with the applicant, Lenora Frather?
 A Yes sir.
 Q How long have you known her? A About 10 years, I guess.
 Q Do you know who was her Cherokee husband? A Yes sir.
 Q What was his name? A Richard L. Frather.
 Q Where did Lenora Frather and Richard L. Frather live during the lifetime of Richard L. Frather? A Southwest City, Missouri.

- Q When did Richard L. Prather die ? A In 1895.
Q Where was he living at the time of his death ?
A At Southwest City.
Q Do you know where Lenora Prather has been residing since the death of her husband, Richard L. Prather ? A Yes sir.
Q Where has she been residing ? A Why she was in Southwest City part of the time since his death.
Q How long did she continue to reside there ?

By Mr. Davis: Let him answer where else she lived.

Witness: In Grove.

By J. C. Starr:

- Q How long did she continue to reside in Southwest City after the death of Mr. Prather ? A About three or four years.
Q Where did she live during the year 1898 ?
A In Southwest City.
Q Where did she live during the year 1899 ?
A Why for the best part of 1899 she lived in Southwest City; in the first part of the year of 1899 she lived in Southwest City.
Q Where did she live during the latter part of 1899 ?
A In Grove.
Q Are you acquainted with the farm belonging to Richard L. Prather on Cow Skin Prairie ? A Yes sir.
Q Do you know who occupied that farm during the year 1898 ?
A I don't believe I do. No, I don't recollect who lived there in 1898.
Q How far is that farm from where you live ?
A It is about two miles and a half, I guess.
Q You are living at the same place now that you were in 1898 ?
A Yes sir.

Examined by P. S. Davis:

- Q What kin were you to Richard L. Prather, deceased ?
A A brother.
Q An own brother ? A Yes sir.
Q What kin are you to the two minor children, Sam and Maggie ?
A I am their uncle.
Q Own uncle ? A Yes sir.
Q Where were you living when Richard L. Prather was killed in 1895 ? A Where I live now, on Cow Skin Prairie.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q You were administrator in the Cherokee court of the Richard L. Prather estate, when he first got killed in 1895 ? A Yes sir.
Q How long did you continue to act as such administrator of his estate ? A Oh, about a year I guess.
Q What property did he have in the Cherokee Nation when you took charge of his estate as administrator in 1895 ?
A He had a farm.
Q What else ? A Stock.
Q What stock; name over all the property you can think of.
A Some horses.
Q How many horses did he have ? A He had sixteen or eighteen mares and colts, and two mules.
Q Alright, what other stuff; name it, that you took charge of ?
A That's all.
Q Had a farm, how many acres of land ? A About a thousand acres.
Q What improvements on that land ? A Three houses- four houses it was, on three farms.
Q Alright, three houses; what effects in the way of farming imple-

ments, tools, and utensils, that you took charge of ?

A None at all.

Q How long did you continue as administrator of this estate in the Cherokee Nation ? A About a year.

Q What did you finally do with this stuff ?

A I got into a law suit.

Q Yes, you tried to beat the estate out of it ? A No sir.

Q Isn't it a fact that Lenora Prather, the applicant, had to sue you in winding up the estate ?

A She had no right to have it turned over.

Q Didn't you refuse to turn it over ? And thereupon wasn't a law suit brought ? A No sir.

Q Didn't you compromise the suit by executing to this woman your note for one hundred and fifty dollars ? A Yes sir.

Q Hasn't she got that note now ? A Yes sir.

Q That note's about due, aint it, and unpaid ? A Yes sir.

Q Do you know Jesse Q. Prather ? A Yes sir.

Q Didn't you state in the presence and hearing of Jesse Q. Prather that if Lenora Prather would turn over this note now you would drop this contest, and if she didn't you would knock her off the roll and take the children's and her land ? A No sir.

Q Have you employed Cale Starr and paid him fifty dollars to knock this woman off the roll ? A No sir.

Q What is the state of your feeling against this applicant ?

A I have no feeling.

Q Do you feel kindly toward her or not ?

A I have got nothing against her.

Q Do you feel kindly toward her ?

A I don't have anything to do with her.

Q As a matter of fact, you don't feel very kindly toward her, do you ? Do you feel kindly toward this woman or not ?

A I haven't anything particular against her.

Q As a matter of fact, you don't like her ?

A I have got nothing against her at all.

The Commission: You may state whether you like the woman or whether you dislike her.

A I aint stuck on her.

Q You are not stuck on her at all ? A No sir.

Q Did you ever make any statement to anybody that if she would turn over this note to you it would be alright ? Didn't you get mad at her when she sued you for the estate ?

A I didn't think it was right.

Q You and the other administrator compromised; you compromised and swindled the estate out of everything, and then you didn't like it when she compelled you under the law to give these orphan children what was coming to them ? A I didn't get anything

what she claimed I got; I turned over what I got over to Yeargain.

Q Another Cherokee administrator who succeeded you, and between you two you succeeded in robbing this woman. Wasn't Cale Starr ever to see you the other day at your place at Grove ?

A Not this last time.

Q When was he out there ? A Two or three weeks ago.

Q Didn't he come out to your place to see you about this case ?

A No sir. It was about a land trade.

Q When did you know you had to come down here ?

A Last Friday.

Q Did you ever talk to Cale Starr about knocking this woman off the roll ? A No sir.

Q Did you ever offer to pay him to have it done? A No sir.
 Q You never sent Jesse Q. Prather, the step-son of this woman, over to her about this note, and to tell her if she would turn it over you would drop the contest, and if she didn't you would get her off the roll? A No sir.
 Q Do you know what time in 1898 she moved some things down on the farm? A She didn't move anything down there.
 Q How do you know? A I was passing there all the time.
 Q How far did you live from her? A About four miles.
 Q You have been trying to get her farm haven't you?
 A No sir.
 Q You would like to have it? A Yes sir, I would.
 Q It is one of the best farms on Cow Skin Prairie? A Yes sir.
 Q I will ask you if you don't want that farm?
 A I couldn't hold it if I had it. Of course I would like to have it.
 Q Haven't you been trying to get a hold of this land to allet it?
 A No sir. I would like to buy it for another fellow.
 Q You would like to have it? A I wanted it for another fellow.
 Q How do you know she didn't move some things down there?
 A I didn't see them.
 Q You didn't see her? A No sir. She moved some things there in 1899.
 Q How far do you live from Southwest City?
 A It's about fourteen miles.
 Q Do you keep up with everything that's going on there?
 A Not hardly.
 Q How big is Cow Skin Prairie? A It's a pretty big scope of country.
 Q Do you mean to tell this Commission that you keep up with the movements of everybody on Cow Skin Prairie and in Southwest City?
 A No sir.
 Q You don't? A No sir.
 Q Do you know when this woman's brother, Jackson, lived on the place in 1898? A No sir.
 Q Do you know whether he lived there at all? A No sir.
 Q As a matter of fact don't you know that he did live there?
 A No sir.
 Q You don't know anything about that? A No sir.
 Q As a matter of fact you don't know much about the place?
 A I was passing there often and saw some of them.
 Q Who was living there on the place in 1898, you were passing there?
 A I don't know. I know who lived there in 1899.
 Q You were passing there in 1898, and you know this woman didn't live there, who did live there in 1898? As a matter of fact you don't know anything about it? As a matter of fact, you understood that if you came down here and swore that she wasn't there in 1898, it knocked her off the roll?
 A If I had time I could tell.
 Q Yes, if you had a year or two, but you aint got a year or two. You don't know, do you?
 A I don't know now.

Examined by J. C. Starr:

Q You were subpoenaed regularly to come before the Commission at this time? A Yes sir.
 Q Did you have any talk with the representatives of the Cherokee Nation before coming? A No sir.
 Q You didn't have any conversation with the representatives of the Cherokee Nation before coming? A No sir.
 Q You didn't know that you would testify about before coming?
 A No sir.

By Mr. Davis:

Q I will ask you if you didn't make the statement on Monday of last week, in Grove, Indian Territory, that you were coming over here for this hearing to see that this woman got knocked off the roll?

A No sir.

Q Did you ever make any such statement at any time or place?

A No sir.

Q Isn't it the common talk of your community that you have interested yourself to see that this woman is defeated, if you can, on the ground that she has your note which she got in the settlement of the estate?

A No sir.

Q That you were coming here to testify that she wasn't there in 1898?

A No sir.

Q You haven't done that?

A No sir.

By the Commission:

Q How long had Richard L. Prather been living in Southwest City when he was killed?

A He had been living there about four years.

Q Where was he living when he married Lenora?

A In Southwest City.

Q Where was he killed?

A In Southwest City.

Q He wasn't living in the Nation at all at that time?

A No sir.

Q How long did you say it was before Mrs. Prather came to the Cherokee Nation to live?

A She moved there sometime in the latter part of 1899.

Q Where? A Grove. It was December, 1899, or January, 1900, I don't know which.

Q Do you know of her living in Southwest City up to 1899?

A Yes sir.

Q Did she keep house in Southwest City until 1899?

A She lived in a house there, I think she had some folks living with her.

Q Whose house? A In her own.

Q It belonged to Richard L. Prather when he died?

A Yes sir.

Q It was administered upon in the State of Missouri after his death?

A Yes sir. She was appointed ---

Q She had charge of everything up there?

A Yes sir.

Q You were the administrator over in the Cherokee Nation?

A Yes sir.

Examined by Mr. Davis:

Q I will ask you, if, during all the time that Richard L. Prather lived in Southwest City, Missouri, he owned property in the Cherokee Nation?

A Yes sir.

Q Did he have personal effects in the Cherokee Nation outside of land, and such as horses and stock?

A Why sometimes he did.

Q Didn't he trade all the time during his lifetime?

A He kept them rented pretty much all the time.

Q Didn't he have personal effects in the Cherokee Nation?

A Yes sir.

Q Wasn't he regarded and considered as a citizen and participated as any other citizen all the time?

A Yes sir.

Q He was always known as a Cherokee citizen?

A Yes sir.

Q Didn't he have all his matters transacted there in the Cherokee courts?

A Yes sir.

Q Did he ever become a citizen of Missouri?

A Yes sir, he voted down there.

- Q How do you know ? A He told me he did.
Q Do you know of your own knowledge ?
A No, I didn't see him.
Q During that time you do know that he was a citizen of the Cherokee Nation, and so considered ? A Yes sir.
Q You don't know whether this applicant moved any of her things down on the farm in the early spring of 1898 or not ?
A No sir.
Q You didn't see her there ? A No sir.

By J. C. Starr:

- Q You have taken no active part in this contest against the enrollment of this applicant, have you ? A No sir.
Q Did you ever report this matter to the representatives of the Cherokee Nation ? A No sir.
Q You never had any talk with any of them ? A No sir.
Q That time that you speak of seeing one of the representatives of the Cherokee Nation, about three weeks ago, was the subject of the enrollment of Lenora Prather mentioned at that time at all ?
A No sir.
Q Nothing was said about it ? A No sir.

Mr. Davis: Subject to the objection already made by the applicant, and subject to the decision of the Commission on said objection, the applicant desires, at this time, to introduce the following testimony in rebuttal of the testimony offered by the Cherokee Nation:

LENORA PRATHER, called, being duly sworn by the Commission, and examined, testified as follows:

Examined by P. S. Davis:

- Q Do you know Baxter Prather ? A Yes sir.
Q What kin was he to your husband ? A Brother.
Q Was he ever administrator of the estate of Richard L. Prather, deceased ? A Yes sir.
Q Where was the estate situated that he was administrator of ?
A Indian Territory, Cow Skin Prairie.
Q In the Cherokee Nation ? A Yes sir.
Q Did you ever have any difficulty with Baxter Prather in the settlement of the estate ? A Yes sir.
Q What did you have to do ?
A I finally had to bring suit.
Q In what court ? A In the United States Court at Vinita.
Q Why did you have to bring this suit ?
A Well he wouldn't turn over our part of the estate.
Q What became of the suit ? A We compromised it.
Q How did you compromise it ?
A He gave me his note for \$150.00.
Q Have you got that note now ? A Yes sir.
Q Has it been paid ? A No sir.
Q Any part of it ? A No sir.
Q I will ask you if he ever sent anyone to you concerning this note ? A My step-son Jesse Prather came up one day and told me.
Q Whom did Jesse Q. Prather, your step-son purport to represent when he came to you concerning this note ?
A Baxter Prather.

Q Did he make any statement to you at that time concerning what Baxter Prather offered about the note? A Yes sir.

Q These statements that he made, did he state that he had been sent there by Baxter Prather to make the statements? Just state whether he said Baxter Prather sent him there to make the statements? A Yes sir.

Q Now then, I will ask this question: what did he say that Baxter Prather had sent him there as his agent to say to you concerning this note?

By J. C. Starr: Objected to by the representatives of the Cherokee Nation because it is a matter of hear-say.

Mr. Davis: I submit that the act of the agent binds the principal.

Q What did he say? A He said that Baxter Prather said if I would turn the note over, why I would enroll alright, and if I didn't, they would knock me out.

Q What has been the disposition and feeling of Baxter Prather toward you since the death of your husband Richard L. Prather; has it been good or bad? A It's been bad.

Q I will ask you if you lived in Southwest City all the year of 1898, as testified to by Baxter Prather?

A No sir, I did not.

Q Your testimony while on the stand in relation to whether or not you had married out since the date of your application on September 2, 1898, is true as to these parties is it?

A Yes sir.

Examined by J. C. Starr:

Q Have you ever visited at the home of L. B. Prather since you applied for enrollment here? A I was at his house one time.

Q You have been there since? A Yes sir.

Q Did you take dinner at their house? A Yes sir.

By the Commission:

Q Were you administratrix of your husband's estate that was situated in the State of Missouri? A Yes sir.

Q Were you administratrix of that estate in 1898, or had it been permanently settled up then? A Yes sir.

Q Do you know when you were discharged as administratrix over here in Missouri? A I think it was in 1899.

Mr. Davis: This testimony is offered subject to the same decision of the Commission on the previous objection introduced before the taking of testimony, and without waiving any of the rights of the applicant:

EDMUND E. JACKSON, called as a witness on behalf of applicant, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Davis:

Q What is your name? A Edmund E. Jackson.

Q How old are you? A I am thirty one.

Q Where do you live? A I live in Delaware District, Cherokee Nation.

Q How long have you lived there ?
A I moved there in January.
Q What kin are you to Leonora Prather, the applicant in this case ?
A I am her brother.
Q Did you know her husband, Richard L. Prather ?
A Yes sir.
Q Do you know whether or not in the year 1898 Leonora Prather had any household effects down on her farm in the Cherokee Nation ?
A She did, yes sir.
Q Near Grove ? A Yes sir.
Q What time in 1898, as near as you can remember, did she have these things there ? A As near as I can remember it was in September or October.
Q What year ? A In 1898.
Q How do you know Mr. Jackson, by what do you fix it ?
A She hired me to cover the house and I went out there and covered the house, it leaked so bad. I went out and covered the house.
Q What things did she have there when you went out there in 1898 ?
A A bedstead or two, and some dishes, and enough stuff there to keep house with.
Q Household stuff ? A Yes sir.
Q How long did you stay there ? A Two days and a half, I think it was.
Q Did you afterwards live there a while or have charge of the house ? A No sir, I never lived there afterwards.
Q Was she down there during the time you were there ?
A No sir, she wasn't down there.
Q Do you know whether or not she had been living there ?
A It was my understanding that she had.
Q Who had charge of this house at the time you were covering it ?
A She did.
Q Anybody else living in the house ? A No sir.
Q How many houses were on the place at that time ?
A Two houses.
Q Did you ever live on this place ?
A No sir, I never did on that place.
Q Do you know whether or not they owned this place while Richard L. Prather was living ? A Yes sir, they did.
Q Do you know if they ever lived on it while he was living ?
A I don't know.
Q But they owned it at that time ? A Yes sir.
Q She still owned it after his death ? A Yes sir.
Q And Mrs. Prather had her household effects there and had charge of this house in September or October, 1898, to your certain knowledge ? A Yes sir.

Examined by J. C. Starr:

Q What were you doing on this place in 1898 ? A I was covering the house.
Q How many times were you on the place in 1898 ?
A I was there only once.
Q Did you see Leonora Prather there while you were there ?
A No sir.
Q You didn't see her around there ? A No sir.
Q Who cultivated that place in 1898 ? A I don't know, but I think old man Bagby cultivated it, his boys were there at work while I was covering the house.
Q You were on the place only once, and that was in the fall ?
A Yes sir, September or October.

Examined by P. B. Davis:

Q You say you were only there two days and a half ?

A Yes sir.

Q Do you remember returning back there at any time ?

A No sir, I moved back out to Claremore right away.

By the Commission:

Q Where were you living at the time you did the work on this house ?

A About twelve miles south-west of Southwest City, in the Delaware District.

Q Who came after you to get you to do this work ?

A Mrs. Prather.

Q At the time she came after you where was she staying, do you know ? A No sir, I do not, she come down to my house.

Q You don't know whether she was living in Southwest City or somewhere else at that time ? A She was living at her home in Southwest City part of the time, and she told me she had been on the prairie on the farm part of the time.

Q You hadn't been to her house for sometime had you ?

A No sir.

Q As a matter of fact of your own knowledge you don't know where she was living when she came after you ?

A She told me she had been making it part of the time on the place.

Examined by Mr. Davis:

Q You know she had this place there and nobody living in the house at the time you did the work ? A Yes sir.

Q You knew it was her place ? A She claimed the place.

Q There was no other person in charge of the house ?

A No sir. I nailed the doors up.

Examined by J. C. Starr:

Q You nailed the doors up ? A I nailed the doors up.

Q What did you do with the key ?

A I turned it over to her.

Q Where did you turn it over to her ? A Southwest City.

Q You took it back to Southwest City and gave it to her ?

A Yes sir.

Mr. Davis: The applicant, at this time, subject to the decision of the Dawes Commission on the objection raised, if the said Commission holds that the Cherokee Nation is, under the circumstances, entitled to re-open this case, after it has been finally closed and submitted, asks for sixty days from this date in which to procure and introduce testimony showing and tending to show that she has had her home in the Cherokee Nation since the early spring of 1898; and makes this request for the reason that, having understood since the 15th day of February, 1902, that this case was fully and finally closed, and that she would not be called upon to introduce any further proof, has not kept up with her witnesses that she can procure, if allowed these sixty days time in which to procure them.

The Commission: Upon the request of the applicant for a continuance, the Commission continues the case for further hearing, until November 14, 1902.

Mr. Davis: The applicant requests sixty days, and excepts to the action of the Commission in granting twenty nine days.

.....

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell
Subscribed and sworn to before me this November 6, 1902.

B. A. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 24, 1902.

In the matter of the application of Lenora Prather for the enrollment of herself as an intermarried citizen, and for the enrollment of her children, ~~xxxx~~ Sam Houston and Maggie Prather, as citizens by blood of the Cherokee Nation:-

Applicant appears by her attorney, Preston S. Davis, Vinita, Indian Territory; Cherokee Nation by J. C. Starr.

Preston S. Davis, being sworn, testified as follows:

On October 3, 1902, I testified before this Commission in this case and my testimony was reduced to writing and since that time a transcript has been handed to me of that evidence, a copy of which I now hold in my hand. I notice in this evidence since reading it over that it shows this question was asked me, "Has she not lived out (referring to the applicant Lenora Prather), and my answer was "No sir". I desire now to modify the same. I don't know whether she has lived out of the nation or not, and didn't now intend to state as a positive fact that the applicant had not lived out of the Cherokee Nation, and that the last question asked me, as I see now from this testimony was, "She was living in the Cherokee Nation on the 28th day of June, 1898, was she?" My answer was at that time "Yes sir". That answer was an oversight on my part and I didn't intend to state that as a fact; I don't know whether she was living in the Cherokee Nation on June 28, 1898, or not, although that was and is now my understanding concerning the same; but to state that as a positive fact I am not able to do and didn't intend to do it when I gave in this testimony.

J. C. Starr: How long have you known Lenora Prather? A I knew Lenora Prather in Arkansas when her name was Lenora Jackson, and I have known who she was and I have known her since I came to the territory in the fall of '95.

Q Where was she living when you came to the territory? A I am not able to say: she was living east of Vinita: I can't say whether she was living in the nation or in Missouri; I have known the woman and knew her before I ever went to the territory in '95.

Q Do you remember of seeing her any time during the year 1898? A Well, yes, sir; to state I remember any distinct time I couldn't; I seen her along during that time because I represented her in her estate matters along after the death of her husband.

Q You don't remember of any particular time? A No sir, I can't remember any particular time outside of that when I ever saw her.

Jesse O. Prather, being sworn and examined, testified as follows:

Ex P. S. Davis: State your name to the Commission? A Jesse O. Prather.

Q How old are you? A I will be thirty-two, the 16th of January.

Q Where do you live? A I live at Grove.

Q How long have you lived over there or in that vicinity? A I have lived over there and on ever since about '85.

Q Do you know Lenora Prather, the applicant in this case? A Yes sir. Did you know Richard L. Prather in his lifetime? A Yes sir.

Q What kin were you to Richard L. Prather? A He was my father.

Q What kin are you to Lenora Prather? A She is my step-mother.

Q Do you know Baxter Prather? A Yes sir.

Q What kin are you to Baxter Prather? A He is an uncle of mine.

Q What kin was he to Richard L. Prather? A A brother.

Q Where were you living along in the early part or first part of June, this year, 1902, in reference to where Baxter Prather lived?

A I was living close to Sallisaw.

Q How far from where Baxter Prather lived? A Over one hundred miles.

2-Lenora Prather.

Q Were you up to Baxter Prather's place on Cowskin prairie along in June, 1908, were you living up there? A Yes sir.

Q My question was where were you living in the early part of June, 1908? A At Grove, Indian Territory.

Q Then you were not living at Sallisaw at that time? A No sir, I didn't understand the question.

Q How far were you from where Baxter Prather lived in June, 1908? A About three miles.

Q Were you on friendly terms with him at that time? A Yes sir.

Q Did you go out there frequently? A Yes sir.

Q I will ask you if he ever sent you over to see Lenora Prather in regard to her giving up a certain note she has?

J.C. Starr: Objected to by the representative of the Cherokee Nation for the reason that it is irrelevant and immaterial.

Commission: Answer the question.

Q Did he ever send you over there with reference to the note? A Yes sir.

Q I will ask you to state to the Commission what Baxter Prather told you to say to Lenora Prather concerning this note and what you did say to her when you went over to see her about it? A I went over to get him to come to Muskogee for me.

Q You went to see him Baxter? A He wouldn't do that.

He told me to go back and tell Lenora that if she would give up the \$150.00 note she had of him that he would go and if she didn't he would do everything he could against her.

Q Did you tell her that? A Yes sir.

Q Where was it that you and Lenora Prather wanted him to come? A To Muskogee.

Q What for? A To be a witness in our case.

Q Where, before the Dawes Commission? A Before the Dawes Commission.

Q You say he refused to do that? A Yes sir.

Q And made this statement to you? A Yes sir.

Q Did you tell Mrs. Prather that? A Yes sir.

Q Then was this that you went to him and this conversation was had and you told Mrs. Prather about it? A About the first of June.

Q Did you ever hear Baxter Prather say that he would do or give anything to keep Lenora Prather from being enrolled? A He said he would give twenty-five dollars to keep her off the roll.

Q How many times did you hear that? A About a dozen.

Q Frequently was it? A Yes sir, most every time they talked about it.

Q Did he tell you what note it was that she held? A The note that she had against him she sued him for a portion of that estate that he went back.

Q It was a note that he had given her to balance up the suit in the estate? A Yes sir.

Q Do you know whether she gave up that note or not? A I don't think she did.

Q She didn't send it back by you did she? A No sir.

J.C. Starr: Where were you living in 1908? A I was living up at beyond Sallisaw, close to Muskogee.

Where were you living when you were enrolled? A We were going to school at Northwest.

Q How long did you continue to live at the west city you were enrolled at? A We weren't there very long.

Q Where did you go from Northwest city? A I went to Grove to school.

Q How long did you stay there? A About three months.

Q Where were you in 1908? A I was with my sister close to Muskogee, Indian Territory.

Q How long did you stay there? A I stayed there about six months I guess.

Q What time in '98 was that? A That was in the fall of '98.

Q What time did you go there to Muskogee in '98? A I don't remember the dates, I know I was there about six months, then I went from there to Mt. Grandfather in Arkansas and stayed there a few months.

3-Lenora Prather-

and went to school and then I come back up here.

S. B. Bagby, being sworn and examined, testified as follows:

By P. S. Davis: State your name? A S. B. Bagby.

Q Postoffice? A Grove, Indian Territory.

Q How old are you? A Thirty-two years old.

Q What business are you engaged in? A Farming and stock business principally.

Q Are you acquainted with Lenora Prather the applicant in this case? A Yes sir.

Q How long have you known her? A Well, I have known her about fifteen years possibly. I wasn't so well acquainted with her up until about two or three years.

Q You have known who she was for about the last fifteen years? A Yes sir, I knew her father at Maysville then.

Q Did you ever live near Bentonville, Arkansas, where she lived? A Yes sir.

Q How far from where she lived? A About fourteen or fifteen miles west.

Q Was that before she married Richard L. Prather? A Yes sir.

Q Where were you living in January, 1897? A Moved to what is known as Bert Hampton's farm on Cowekin Prairie about the first of January we got possession of it.

Q Of what year? A Of '97.

Q Where is this Bert Hampton place situated in reference to Lenora Prather's place? A Adjoining farms.

Q How long did you live on this place after you moved in from the first to the tenth of January, '97? A Two years.

Q Was Lenora Prather living on her farm when you moved down on the Hampton place in January, '97? A No sir, I think not.

Q When did she move down on her place and been living there after you moved on the Hampton place? A Some time in the spring of '98 she moved out from Southwest City.

Q Your best judgment what time in the spring of '98? A To my best judgment it was some time about May it might have been the first of June; I rather think in May.

Q In 1898? A Yes sir.

Q How do you fix this time? A I can very well remember it was '97 the time I moved there and being somewhat acquainted with the people; the man that lived on the place and taken charge of it lived across on a portion of the Prather farm, Mr. Mahan, and she taken possession of the house that Mrs. Prather moved into the second day I was on the place.

Q Mahan took possession along after Mrs. Prather moved out? A That is the reason I believe.

Q Were you ever over to Mrs. Prather after she moved on to the place along in May, '98? A I was by there, I believe I was through the house at one time, I disremember the other.

Q What did she have in the house? A Stoves and beds and some furniture.

Q And a kitchen stove? A Yes sir, stoves.

Q Was she keeping house there or not? A Yes sir, she came out there and stayed for a while. I don't remember the time she stayed there; she would go back to Southwest City over night and then bring back some other stuff. She was there during the summer from the time she moved, I am not positive how long, it was cold. I believe she had a brother building a house there or repairing it or something and she was out there during this time. If I aint mistaken they come down there and got some work done by my place, about three hundred parts of my place, and he stated that his sister had gone to town and wanted to get some cooking done.

Q These work ~~xxxxxxxxxxxx~~ hands of Lenora Prather got your folks to do some cooking for them during the time when Lenora Prather was in Southwest City on business? A Yes sir.

4-Lenora Prather.

Q Now you state that your house was about three hundred yards from where Mrs. Prather lived after she moved down on her farm in the spring of '98? A Yes sir.

Q About how much of the time did she stay on this place after she moved down there? A She was there backward and forward; I guess she stayed there as much as one-half of the time and possibly more the best of my recollection.

Q How long did you know her to stay there at any time when she would come back? A I couldn't hardly be positive as to how long, a week or something like that or two weeks and probably a month; she might have been gone a night during that time. I passed there every day but I couldn't be positive how long she ever stayed at one time.

Q Did she have her child with her when she was down there? A Yes sir.

Q Did her brother and these men fix the roof on her house before she moved or while she was living there? A At the time she was living there; they used her bedding and stayed there in the house.

Q How many houses was on her place at that time? A Two houses on this tract of land that was known as her place at that time.

Q Was there anybody living in the house that she took possession of when she first moved down there besides herself? A No, I believe not.

Q Do you know about when it was that these parties fixed the roof on her house, her brother and these parties? A I was building a corn crib just before corn gathering time, when this man was over to my house saying something about boards or else I got them from him I don't remember, but I was building a corn crib to gather corn in September, I wouldn't be positive.

Q About what month was it? A In September I think.

Q In September, '98? A Yes sir.

Q Are you able to state of your own knowledge whether or not Lenora Prather ever left the territory to make her home in the states permanently after the time she moved down on this place in May, '98? A I couldn't say that she ever did, I don't know it, I couldn't say she did or did not.

Q Have you known her since that time? A Yes sir.

Q Has she always been living or making her home in the territory since then or partly so? A Yes sir, so far as I know she has lived at Grove for the last two or three years.

Q Do you know where she is living now? A Yes sir.

Q Where? A In the town of Grove.

Q Has she had this farm to your knowledge since she moved down in the early spring of '98? A Yes sir.

Q She has always owned the farm? A My uncle rented the place from her two years; I was there when they made the contract.

Q She still owns this farm? A Yes sir.

Q Are you living in that neighborhood yet? A I live at Grove.

Q Have you been living there ever since you took possession of the Hampton place in '97, in that vicinity? A Yes sir.

Q Are you any kin to Lenora Prather? A No sir.

Q Have you ~~had~~ any interest in this suit? A No sir.

J.C. Starr: How long did you say Mrs. Prather had been living in Grove? A I have been there a little over two years I believe; she was there when I came there, probably two years or not so much.

Q You are not sure? A No sir, not right positive.

Q When did you say she came out to the farm to live there? A In '98.

Q What time? A Along in the spring.

Q What property did she take out there? A Household goods.

Q How much household goods? A I couldn't say how much; I was in the house at one time, - stoves, beds and chairs.

Q You were just in the house one time that year? A I wouldn't be positive, I remember of one time going over there for something in the house; I wouldn't say I might have been there more times. I remember this.

5-Lenoa Prather-

Q Isn't it a matter of fact, didn't she spend about as much of her time in Southwest City as she did out there? A She was backward and forward to Southwest City.

Q Didn't she go back and forward and be as much in Southwest City as she would on her farm? A I couldn't be positive about that because she was there; as I told you she would be over there a day or two and then she would be back when I would go by there; I couldn't say positively whether she was in Southwest City more or less or on the place.

Q Didn't she have a house in Southwest City at that time? A Yes sir, I think so.

Q Didn't she stay at her house in Southwest City when she left her farm? A Yes sir.

Q Didn't she go back to Southwest City when she left the farm? A I am not acquainted as to that, Mr. Starr.

Q You don't know how long she lived in Southwest City after this time? A No sir, I do not.

Q Isn't it a matter of fact that she moved from Southwest City to Grove when she moved to Grove? A I couldn't say that, possibly so, but I wasn't acquainted with her affairs, I couldn't say whether she moved her stuff from Southwest City or not, I am not acquainted.

Q Do you know what time in 1898 it was that you were through her house? A It was some time during the spring, May or June. I couldn't state exactly.

Q Are you positive that it was the year 1898? A I am positive it was the year 1898.

Q Are you sure it wasn't 1899? A I told you I was positive.

Q How do you know it was 1898 you saw her out there? A I am positive I lived on this place two years and it was the second year I lived there.

P.S. Davis: You moved down there in '97 and it was the next year after you moved down there? A Yes sir, that is the time and that is how I am positive.

Q You had a contract with him to take possession in January '97?

A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof:

D. P. Rothens

Subscribed and sworn to before me this 25th day of November, 1902.

B. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 31, 1902.

In the matter of the application of LENORA PRATHER, for the enrollment of herself as a citizen by intermarriage, of the Cherokee Nation; and for the enrollment of her two children SAM HOUSTON PRATHER and MAGGIE PRATHER, as citizens by blood of the Cherokee Nation:

Appearances:

Preston S. Davis, Esq., Of Vinita, for applicants;
W. W. Hastings, Esq., for the Cherokee Nation:

By Mr. Hastings: The Cherokee Nation offers in evidence a certified copy of the application of Lenora Prather to be appointed as administratrix of the estate of R. L. Prather, deceased, in McDonald County, Missouri, on the 10th day of January, 1898; together with a certified copy of the letters of administration; also a certificate of J. P. Caldwell, Judge and ex-officio Clerk of the Probate Court of McDonald County, Missouri, certifying that Lenora Prather, as administratrix of the estate of R. L. Prather, deceased, made final settlement of said estate on the 24th day of December, 1898.

Mr. Davis: Applicant objects to the introduction of any certificate which purports to give any facts that can be given by living witnesses, the ruling of the Commission being that they have to produce witnesses where they can be produced, and applicant says that the same ruling should be applied to the Cherokee Nation; and as to the letters of administration, we object; and we object to the giving-----

Mr. Hastings: The Cherokee Nation introduces that testimony for the purpose of showing that, if Lenora Prather was appointed administratrix of the estate of R. L. Prather, deceased, in McDonald County, Missouri, she must have been a citizen and a resident of that county and State, and that she must have intended to remain a citizen of that State and county until final settlement of the estate, which, as this certificate shows, was made on December 24, 1898.

Mr. Davis: Applicant objects to the introduction of the testimony of counsel for the Cherokee Nation, he not being under oath. Letters of administration have been introduced showing that the applicant was administratrix of the estate of R. L. Prather, deceased in December, 1898. The law nowhere requires a certificate showing that the applicant was a resident of Missouri in 1898 or 1899, when the settlement was made to the court, it being a familiar fact that the administratrix may settle up an estate after having removed from the State where the administration is pending; therefore, we object to this certificate as evidence, because the Commission by its ruling requires that these matters be proven by witnesses.

Mr. Hastings: The Cherokee Nation desires to introduce the testimony of James Turner.

JAMES TURNER, called as a witness on the part of the Cherokee Nation, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

- Q What is your name ? A James Turner.
- Q What is your age ? A Forty four.
- Q What is your post office address ? A Southwest City, Missouri.
- Q Do you know Lenora Prather ? A Yes sir.
- Q Did you know her when she became the wife of R. L. Prather ?
- A I did.
- Q Where was she living at that time ?
- A She was living at Maysville, her folks was; she was living with them I suppose.
- Q After her marriage to R. L. Prather, where did she live ?
- Q At Southwest City, Missouri.
- Q Was she living in Southwest City, Missouri, at the time of R. L. Prather's death ? A Yes sir.
- Q Do you know about when that occurred ?
- A It was, I think it was in 1894 or 1895, I aint positive as to that.
- Q Did she continue to live there after his death ? A Yes sir.
- Q How long did she continue to live in Southwest City, Missouri, after the death of R. L. Prather ?
- A Why I don't remember distinctly, it was some four or five years.
- Q When did she live there, from his death for four or five years afterwards you say ? A Yes sir, I think about that.
- Q Well, when did she leave Southwest City ?
- A She either left there in the spring of 1899 or 1900, and I aint positive which. It was either in 1899 or 1900 that she moved from there to the Grove.
- Q Was that over in the Cherokee Nation ? A Yes sir.
- Q Did she live in Southwest City, Missouri, continuously from the time of her marriage to R. L. Prather up until she left there, as you say, in the spring of 1899 or 1900 ?
- A Well, I can't say as to that positively, that was her permanent home I guess, but she was gone one summer from Southwest City after that.
- Q Where was she gone ? A I don't know, but she was gone during the summer.
- Q Where were you living then ? A At that time I was living northwest of Vinita about ten miles ;
- Q You never heard where she was gone ? A No sir.
- Q Do you know what summer it was she went away ?
- A No, I aint positive.
- Q Was it before or after R. L. Prather's death ?
- A It was after.
- Q How long after ? A I think it was two years after his death.
- Q Then it was in 1896 or 1897 ? A It must have been.
- Q That was the summer, then, that she was gone; she was gone part or all of that summer ? A I don't know how long.
- Q Do you know if she retained her home and residence in Southwest City ? A All she had on the place was there I suppose.
- Q Did she have a house over there ? A Yes sir.
- Q Did she keep house there ? A Yes sir.
- Q Did she own a home or rent a house ?
- A I suppose it was hers, it was left her along with the estate; I suppose it was hers, as long as she retained it.
- Q Mr. Turner, I will ask you if your wife is any relation to Lenora Prather ? A She is not.
- Q Isn't she her step-mother ? A Yes sir.
- Q No blood relation ? A No sir.

Q With the exception of that one summer she was gone, she resided, after her marriage to R. L. Prather, in South West City, Missouri, until the spring of 1899 or 1900? A Yes sir.

Q She made that her home? A Of course she might have been out and in somewhere, I don't know where all she had been, but there was her home.

Q There's where her household effects were? A Yes sir.

Examined by F. S. Davis:

Q Did you know Lenora Prather before she married? A Yes sir.

Q What was her name before she was married?

A It was--I aint positive whether I can give her name now before she married; I can give you her maiden name.

Q Well, what was her name when she married R. L. Prather, you say you know her?

A I can't say what it was now.

Q You don't know what her name was?

A Her name was Lyons.

Q What Lyons? What was her given name? A Lenora.

Q Have you been keeping tab on Lenora Prather ever since she married Richard L. Prather? A I have been close to them in a business way.

Q You have been keeping account of her, and putting down an account of her in a book haven't you? A No sir.

Q How do you know where she has been and where she hasn't been?

A For the simple reason I have been in her house often.

Q Where were you living in the early spring of 1898?

A In Coowesscoowee district about ten miles northwest of Vinita.

Q How far is it from Vinita to Southwest City?

A About forty miles.

Q Do you know where Lenora Prather was living in the early spring of 1898, the last of May or the first of June, of 1898?

A She was in Southwest City.

Q How do you know? A I was there.

Q Are you able to swear of your own knowledge that she was keeping house and living in Southwest City in May or June, 1898, of your own personal knowledge now? Do you know for certain she was there?

A To the best of my knowledge she was living there.

Q You say you knew Richard L. Prather in his lifetime?

A Yes sir.

Q Did he have a place near Grover, Indian Territory, while he was living?

A Yes sir.

Q Didn't he own that place at the time of his death? A Yes sir.

Q Isn't it a fact that the applicant in this case has owned that place ever since his death?

A Yes sir.

Q Doesn't she now own it? A Yes sir.

Q I will ask you if it isn't a fact that Lenora Prather lived on her place down there in the latter part of May or the early part of June, 1898?

A I can't say positive as to that, I know she lived some place down there in 1898.

Q Do you remember what time in 1898? A No sir.

Q Wasn't it in May or June, 1898? A I don't know.

Q Wasn't it in the spring? A It was sometime in the summer.

Q Of 1898? A Yes sir.

Q She lived on this place that they owned at the death of her husband?

A Yes sir.

Q Isn't it a fact that from the time she moved down there up until the present time, if she hasn't made the Territory as much her home, if not more, than she has the State of Missouri?

A I guess from that time to this she has made the Territory more her home than anywhere else.

Q More than she has Missouri? A Yes sir.

Q Where is she living now? A At Grove.

- Q Still on this place you are talking about ? A Yes sir.
Q Are her children living with her ? A Yes sir. That is, I suppose they are; they was not long since.
Q You say your wife is her step-mother ? A No sir. I said she is my wife's step-mother.
Q Lenora Prather is your wife's step-mother ? A Yes sir.

Examined by Mr. Hastings:

- Q I will ask you if she moved herself down on this place when she moved this stuff down there in the spring of 1898, or whether she moved down there in 1899 ?
A She moved those things on the place in 1898.
Q Where did she continue to live ? A She was living at Southwest City at the time she moved there; after she moved the things there.
Q Did she continue to live in Southwest City ?
A She was backwards and forwards to Southwest City.
Q Where was her home ? A I suppose it was in Southwest City.
Q Did she have household goods up there ? A Part of them.
Q When did she finally move from Southwest City down on the place ?
A It was either in 1899 or 1900, I wouldn't say positive which. I never taken down an account of it as Mr. Davis says.

Examined by Mr. Davis:

- Q But from the spring or summer of 1898, up to the present time, you say she has made the Territory more her home than Missouri ?
A Yes sir.
Q She's been living in the house on the place ?
A I don't know that she made the place her home.
Q She had some household stuff there ? A Yes sir.
Q And she made that more her home than Missouri ?
A She made Grove her home.
Q She had a house in the Grove too ? A Yes sir, and she has now.

By Mr. Hastings:

- Q What I am trying to get at is not from 1898 up to the present time, but in the year 1898, where did she make her home during the year 1898, up to the spring of 1899 ?
A I think she made it at Southwest City, Missouri.

By Mr. Davis:

- Q You say in the spring of 1898 she moved on the place ?
A In 1898, in the spring, she moved some things on the place.
Q From the time she moved up till now she has made her home more in the Territory than in the State ? A Yes sir.

By Mr. Hastings:

- Q From 1898 up to the present time would be four years ?
A Yes sir.
Q You mean by that that during the majority of that time, which would be three years, a majority of that time, she has lived and made her home in the Territory ? A Yes sir.

By Mr. Davis: Applicant objects to that for the reason that he is his witness, and the question is leading and argumentative, and calling for a conclusion of the witness, he being the Cherokee Nation's witness

By Mr. Hastings:

Q He is asking you if you know the majority of the time from the spring of 1898 x up to the present time. What I am trying to get you to do is to apply this to the year 1898; of course three years from the spring of 1898 to the present time would be a majority of four years, but how about the year 1898?

By Mr. Davis: Applicant objects to counsel for the Cherokee Nation making an argument by way of explanation to his witness as to his question and as to the answer he wants from the witness, with his own witness, the same being uncalled for and out of the rules of evidence and contrary to law.

The witness: I can answer the question.

Mr. Hastings: Well answer then.

The witness: Up to the present time since 1898, she has lived a majority of the time in the Territory.

Q How about during the year 1898?

A Well, during the year 1898, I suppose she lived more in the State of Missouri.

Q Don't you know it? A Yes sir, I will say I know it.

Q And she moved down there in 1899 or 1900?

A Yes sir, I aint positive which year.

Q Then you meant that, taking the whole length of time from the spring of 1898 to the present time, which is four years, that a majority of four years she has lived in the Territory?

By Mr. Davis: Applicant objects to that because it is argumentative and leading.

Mr. Hastings to witness: Is that what you mean?

A Yes sir, that's the way I construed it.

Q You didn't mean to say that she lived the majority of 1898 in the Territory? A No sir.

By Mr. Davis:

Q You mean to say that, in the spring of 1899 or 1900, she quit living altogether in Southwest City, in the State of Missouri, and lived from that time on, subsequently, in the Cherokee Nation?

A Yes sir.

Q From the time she first moved onto this farm in the spring or summer of 1898, as you have testified, I will ask you if, from that time on she has lived more in the Nation than in Missouri?

A She has up to the present date.

Q Do you say then, from the time she first moved from the State of Missouri into the Cherokee Nation, she has spent the greater part of her time in the Cherokee Nation? A Yes sir.

Q And, finally, in the spring of 1899 or 1900, she moved altogether to the Cherokee Nation, and quit going back to Missouri?

A I won't say she quit going back, but she made her home in the Cherokee Nation, at Grove.

Q From the time she moved down there in the spring of 1898 she has been in the Territory more than she has in Missouri?

A Yes sir.

Q From the time she started in on that place she has been the most of the time in the Territory? A Yes sir.

Q And from 1899 or 1900, she has quit living in Missouri, and made her home in the Cherokee Nation? A Yes sir.

By Mr. Hastings:

Q Mr. Turner, do you understand from the purport of his question that he includes not only the year 1898, but he crowds the years all since then, together, and then he makes you say that from the spring of 1898, all during the years 1898, as well as these other years since then, that she lived the majority of the time in the Cherokee Nation, do you mean to say that she lived the most of the time of 1898 in the Cherokee Nation?

By Mr. Davis: Applicant objects to any argument by way of explanation made by counsel for the Cherokee Nation to his own witness, the same being his own witness, and he has no right to lead the witness or to make any argument to him as a witness, as to the question he wants answered.

By Mr. Hastings:

Q He comes in and confuses you ever time by putting in this objection, I want you to understand what I say to you now, I want you to be frank with this Commission, and say if the year 1898, segregated from all other years, where did she live that year, the year of 1898?

A I will say she lived in Southwest City, Missouri, most of the time during that year.

By Mr. Davis:

Q Isn't it a fact and haven't you testified that from the time she moved down in the spring of 1898, if she didn't spend the most of her time in the Cherokee Nation?

A Yes sir.

Q She hasn't spent any of her time in Missouri since she moved permanently?

A No sir.

Q Then, since she has been going back from the Territory to the State of Missouri, she has spent the greater part of the time in the Territory?

A That's owing to what time she has been going backwards and forwards.

Q Isn't it a fact that she spent a greater part of the time in the Territory?

A I said since 1898 up to the present time, yes sir.

Q Since she moved there, she has been there all the time?

A Yes sir.

Q During that time, since she has been going backwards and forwards didn't she spend the most of her time in the Territory?

A Yes sir.

By Mr. Hastings:

Q She didn't spend the most of the time of 1898 here did she?

A No sir.

By Mr. Davis:

Q Where were you living in 1898?

A Part of the time in Coconino District near Vinita.

Q How far from Southwest City, Missouri?

A About forty five or fifty miles.

Q Do you know of your own knowledge what Lenora Prather was doing then?

A I was ever there a part of the time.

Q You made a crop near Vinita and spent most of your time in Southwest City?

A I was on Cow Skin Prairie.

Q Do you know what Lenora Prather was doing during the year 1898, of your own personal knowledge?

A No sir.

Q Then you don't know whether she was spending the most of her time in the State of Missouri, or in the Indian Territory? Are you able to state of your own knowledge? A Yes sir.

Q Able to state what?

A I am able to state that she spent the most of the time in Southwest City.

Q From January to November, 1898? A Yes sir.

Q You were spending all of your time in the Territory?

A No sir.

Q You were living ten miles northwest of Vinita, fifty miles away and yet you know that Lenora Prather, from your own personal, absolute knowledge, that Lenora Prather spent more time in Southwest City, Missouri, than she did in the Cherokee Nation; is that what you mean to say to this Commission; up to November. From January to November, now, in 1898?

A No sir, I can't say that because I wasn't there. She made that her home; but I wasn't with her all time, and I can't say that.

By Mr. Hastings:

Q You had some settlement of an estate with her, didn't you?

A Yes sir, I did.

Q I will ask you if that didn't throw you with her more or less during that time? A Yes sir.

Q During the time you know her where was she living, during 1898?

A In Southwest City, Missouri.

Mr. Hastings: Come now the representatives of the Cherokee Nation, and move to continue this case until November 10, 1902, for the purpose of securing additional testimony as to the residence of Lenora Prather in 1898, and particularly on June 28, 1898.

A. B. HOSS, called as a witness in behalf of the applicant, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Davis:

Q State your name? A A. B. Hoss.

Q What is your age? A I am fifty four.

Q What is your citizenship; United States or Cherokee?

A United States.

Q Where do you live? A At Southwest City, Missouri.

Q How long have you lived there? A Nine years.

Q Are you acquainted with Lenora Prather, the applicant in this case? A Yes sir.

Q Were you acquainted with her husband, Richard L. Prather, in his life time? A Yes sir.

Q How long have you known these parties?

A Ever since I have been in Southwest City--nine years.

Q Where were you living at the beginning of the year 1898?

A At Southwest City, Missouri; the same place I have always lived since I have been there.

Q Did you know Lenora Prather at that time?

A Yes sir.

Q Where was she living at that time?

A Right next door to where I lived.

Q Do you know of Lenora Prather moving away from Southwest City, Missouri, along in the spring of 1898?

Mr. Hastings: Now don't put the words in his mouth.

- Q Do you know of her leaving at any time ? Do you know of her moving anywhere ?
- A It was in April of 1898, I suppose.
- Q Where did she go ? A To the Territory; that's what she said, on one of her farms.
- Q Do you know whether or not during the lifetime of her husband, they owned a farm in the Cherokee Nation ?
- A Yes sir, two or three of them.
- Q Do you know whether or not they had one near Grove, Indian Territory ? A Yes sir, the farms lay in that direction from Southwest City.
- Q Then Lenora Frather moved in April, 1898, as you remember it, to the Territory ? A Yes sir.
- Q Where did she make her home from that time on ?
- A She was in the Territory most of the time, occasionally she was on her place at Southwest City until she sold it.
- Q Do you know when she sold her place in Southwest City ?
- A I think it was in 1899.
- Q From the time she moved in April, 1898, or in the spring of 1898, during the year 1898, where did she make her home ?
- A It was pretty well divided up between the two places, the place in the Territory and Southwest City; she had a place in the Cherokee Nation she looked after.
- Q She would go back and forth ? A Yes sir.
- Q Do you know why she moved to the Cherokee Nation ?
- A She said she moved there on account of holding her right as a citizen.
- Q Did she have any children at that time ? A Yes sir.
- Q Did she take her children with her ? A Yes sir.
- Q Were you ever down to her place after she moved ?
- A No sir.
- Q Does she still own this same place ? A I can't say.
- Q Where is she living now ?
- A She is living at Grove.
- Q Cherokee Nation ? A Yes sir.
- Q Do you know how long she has been living in the town of Grove ?
- A No sir.
- Q Who subpoenaed you as a witness ? A The Cherokee Nation.
- Q How many times have you been subpoenaed by the Cherokee Nation as a witness ? A Twice.
- Q When were you to have appeared here before Mr. Hoss ?
- A On the 15th of October, I think.
- Q Did you appear ? A No sir.
- Q Why ?

By Mr. Hastings: I submit that it don't make a particle of difference on earth this man appeared at any other time; and furthermore we never would have granted them the courtesy of calling up this case; and they could have stayed here all night, but in order to accommodate them we agreed to call this case----

By Mr. Davis: Applicant desires to state that the counsel for the Cherokee Nation insinuated that the attorney for the applicant had been talking to the witness; and those questions are simply being asked to show that this witness has not been tampered with by the applicant in any manner, shape, form or fashion, and I desire to ask my question why he didn't appear on October 15.

- Q Why didn't you come Mr. Hoss ? A The train was late in coming from Heashe to Vinita, and I didn't get there in time.
- Q I will ask you if I have ever talked with you in regard to what your testimony in this case would be ? A No sir.

By Mr. Hastings:

- Q Didn't you talk with him this morning about this case ?
A I didn't see him this morning.
Q Haven't you talked with him today about it ?
A Only Mr. Turner and I together wanted him to get the case up so we could get away on the train.
Q He didn't talk out there with you about it ? A No sir.
Q Didn't he tell you he wanted you to testify ?
A He came down a while ago and told me.
Q Didn't he ever tell you that before ? A No sir.
Q What did this woman take out there on the place in 1898 ?
A She took a lot of furniture and cooking utensils.
Q Did she keep part of her furniture in town ?
A She kept part of it, yes sir.
Q Any beds or bedding ? A I don't know.
Q How far did you live from her ? A The houses are about forty feet apart.
Q Why don't you know whether she had any furniture in the house ?
A I don't think she did.
Q Didn't you see her there cooking and eating there after April, 1898 ? A When she came back she did.
Q She cooked and ate there didn't she ? A Yes sir.
Q She occupied that house until she sold it, didn't she ?
A Part of the time.
Q Did anybody else except herself occupy it until she sold it ?
A I won't be sure, but she had a party living there part of the time, I think.
Q But she had some things in there all the time ? A Yes sir.
Q And she stayed there ~~house~~ herself until she sold it in 1899 ?
A She stayed there when she came back from the Indian Territory.
Q Did you ever see her in the Territory ? A No sir.
Q Did you ever see any of her farms ? A Yes sir.
Q When ? A I can't say; I saw them this last spring. I was driving out through the country, and they were pointed out to me.
Q That was the first time ? A Yes sir.
Q You never saw the farm in 1898 did you ? A No sir.
Q All you have testified about her being there you have heard ?
A Yes sir.
Q You never saw her on the farm in 1898 ? A No sir.
Q But you did see her in Southwest City, Missouri ? A Yes sir.
Q You saw her leaving there ? A Yes sir.
Q And she left that place in 1899 ? A Yes sir.

By Mr. Davis:

- Q You were living in Southwest City in 1898 ? A Yes sir.
Q You were not living near Grove at that time ? A No sir.
Q What business were you engaged in ? A I was bookkeeper in the Bank at Southwest City.
Q Are you still in that business ? A Yes sir.
Q Have you any interest in this case ? A Not a bit.
Q You are not kin to the parties involved ?
A No sir, none whatever.
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E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this November 3, 1902.

W. B. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., November 10, 1902.

In the matter of the application of LENORA PRATHER, for the enrollment of herself as a citizen by intermarriage, and her two minor children, SAM HOUSTON and MAGGIE PRATHER, as citizens by blood, of the Cherokee Nation:

Appearances:

Preston S. Davis, Esq., Vinita, for applicants;
W. W. Hastings, Esq., for Cherokee Nation.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

D. H. WILSON, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

- Q What is your name? A D. H. Wilson.
- Q Where do you live Mr. Wilson? A Vinita, Indian Territory.
- Q Are you a practicing attorney up there? A Yes sir.
- Q Where did you live during the year 1898?
- A At the same place; Vinita.
- Q I will ask you if you knew R. L. Prather, during his lifetime?
- A No sir.
- Q I will ask you if you knew his widow after his death?
- A Yes sir.
- Q I will ask you if you had anything to do with R. L. Prather's estate?
- A Yes sir I was appointed administrator on it.
- Q When were you appointed administrator of the estate of R. L. Prather, deceased?
- A In November, 1898.
- Q I will ask you if you took any steps to appraise his effects?
- A Yes sir.
- Q Were you appointed by the United States Court at Vinita?
- A Yes sir.
- Q When did you have appraisers appointed and make an appraisal of the estate?
- A It was in November, 1898, right away after I was appointed.
- Q Well, where was the property belonging to the R. L. Prather estate situated?
- A It was all on Cow Skin prairie in the Cherokee Nation, excepting some debts that were transitory, of course, at different places.
- Q Did you go over on Cow Skin prairie in the Cherokee Nation to look over this property?
- A Yes sir.
- Q Did you go with the appraisers?
- A Yes sir.
- Q Do you remember who appointed them?
- A I selected them, under the law the administrator selects the appraisers.
- Q Who were they?
- A Nat Perry was one, another was Erastus Leonard, and I am not sure, but I think Hugh Sellers was one, and then a day or so later I appointed three more because of the different location of this property, and I couldn't practically take these with me. I don't remember the last three.
- Q Well, did you find Mrs. Prather out on this farm in Delaware District, Cherokee Nation?
- A No sir.
- Q Well, during this time, while you were making this appraisal, did you see her?
- A Yes sir.
- Q Where did you see her?
- A I saw her at her home in Southwest City, Missouri.
- Q About what time was that?
- A That was during the month of November, 1898.
- Q Did you go to her house?
- A Yes sir I was at her house.

- Q Had you prior to that time made inquiry as to where she was ?
A Yes sir.
Q Upon that you went to Southwest City ? A Yes sir.
Q You found her there ? A Yes sir.
Q You hadn't known her before that time ? A No sir.
Q Did she have any children ? A My recollection is that she had two, and I think I remember seeing one.
Q Well, she was keeping house there, was she, at that time ?
A Yes sir.
Q Had household effects there ? A Yes sir.
Q Who administered upon her estate; was any part of Dick Prather's estate in Missouri ? A I understand so, yes sir.
Q Did you administer upon that ? A No sir.
Q Someone in the State of Missouri administered upon that ?
A Yes, I understand she did.
Q Well, how long were you engaged with this estate as administrator ?
A Ever since; I have not been discharged yet.
Q Did you have occasion to see her after that time ?
A Yes sir I have seen her quite a number of times since then.
Q Well how long after November, 1898, before you saw her again ?
A Well, I wouldn't be sure whether it was the following spring, or a year from the following spring.
Q You never saw her any more that year ? A I think not.

Examined by P. S. Davis:

- Q What property did Lenora Prather have in the Cherokee Nation or estate of Richard L. Prather have in the Cherokee Nation in November, 1898, when you had the same appraised ?
A If Lenora Prather had any property I don't know of it. The estate of Richard L. Prather had property consisting of a number of farms over there on Cow Skin prairie in the Cherokee Nation, and the crops that were on them.
Q Were these farms improved ? A Yes sir.
Q What was the value, in your judgment, of the improvements upon these various places ? A Oh I don't know about that, I don't remember very well now. I expect they would approximate from fifteen to twenty five thousand dollars.
Q What live stock ? A Didn't find any.
Q Did you take charge of any as administrator of the estate of Richard L. Prather, deceased ? A No, I think not.
Q You say you inquired where Lenora Prather, the widow of Richard L. Prather, deceased, was living at the time you were over to appraise the effects of the estate ? A Yes sir.
Q I will ask you if you didn't learn, upon inquiry, that she was making her home a portion of the time upon one of these places in the Cherokee Nation ? A No sir, I didn't get any such information.
Q Did you go to either one of the other places ?
A Yes sir I was at all of them.
Q I will ask you if she didn't have some of her household effects on one of the places, and she was spending a portion of her time there, and had full charge of the same ?
A No sir, I didn't learn that; although if there was a statement of that kind made, it might have been possibly made, and I may have forgotten, I wouldn't say.
Q You don't remember then, whether that statement was made to you ?
A No sir.
Q Do you know as a matter of fact, of your own knowledge, where Lenora Prather was living, the last of May, or first of June, 1898 ?
A No sir.
Q Your knowledge of Lenora Prather and her affairs dates from November, 1898, when you went up to make appraisal ? A Yes sir.

Q You said there was no property belonging to the estate that you had anything to do with, except some debts, outside of the farms and improvements you took charge of in the Cherokee Nation?

A That's all.

Q Do you know where Lenora Prather lives now?

A Why I think she lives in the Indian Territory, at Grove. I was at her house once when I was at Grove since I was administrator.

Q In the Cherokee Nation? A Yes sir.

Examined by W. W. Hastings:

Q Did she make any representation to you, when you were there in Southwest City, in November, 1898, about her living over in the Cherokee Nation at that time? A No sir, I don't think she did; I am pretty well satisfied she didn't.

By Mr. Davis:

Q Do you remember whether she did or did not?

A Not to that certainty that I could swear positively.

Q Might she not have told you that? A She might.

By Mr. Hastings:

Q Have you any reason to believe that she told you that?

A No; my recollection is that she did not tell me anything of the kind.

By Mr. Davis:

Q Did you say she might? A Yes, she might have done so.

NATHAN PERRY, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Hastings:

Q What is your name? A Nathan Perry.

Q What is your age? A Forty six.

Q Where do you live? A Near Grove.

Q Indian Territory? A Indian Territory.

Q How long have you been living near there, near Grove? In that neighborhood? A On that place about twenty years.

Q Did you know Richard L. Prather during his lifetime?

A Yes sir.

Q Did you know him about the time he died in 1894? A Yes sir.

Q Where was he living at that time? A Southwest City.

Q Missouri? A Yes sir, Missouri.

Q I will ask you if he had any improvements over here in the Cherokee Nation? A Oh yes sir, he had several hundred acres there right in the neighborhood.

Q How far were the houses on these farms from you?

A One place, there is just a lane between my place and his.

Q He was living in Southwest City at the time he died?

A Yes sir.

Q Did you know his wife? A I never saw her until about two years ago, I guess. No, I seen her first in 1899.

Q Where? A She was at the place, this man McMahon lived on the place at that time.

Q In 1899? A Yes sir.

Q About what time in 1899? A Well, in the early part of the spring, I remember I was up there to see him about getting corn

XXXX planted, and she was there at that time.

Q Do you know anything about her having lived on this place in the year 1898 ? A Well, if she ever lived there I never knew of it.

Q You never knew of it ? A No sir.

Q You lived on the adjoining farm ? A Yes sir.

Q Well, did she ever live there at any time ?

A Not that I know of.

Q You never heard of it ? A No sir.

Q Were you one of the appraisers of the R. L. Prather estate, appointed by Mr. Wilson ? A Yes sir.

Q Do you remember when that was ? A I think it was in 1898, in November or December.

Q Of 1898 ? A Yes sir.

Q Did you go around to these houses on the R. L. Prather farm at that time to inspect them with the view of appraising them ?

A We wasn't at this particular house, we met rather on the other side where there was some property further over there west, there was three places; this particular place she claims, I was on the place, but not at the house.

Q Did you see anything of her ? A No sir.

Q You didn't go over to Southwest City with them ? A No sir.

Q Do you remember whether inquiry was made as to where she lived at that time ? A Yes sir, I remember of Mr. Wilson speaking of going down there the next day.

Q To Southwest City ? A Yes sir.

Q But you didn't go ? A No, I didn't go any further.

Examined by Mr. Davis:

Q Mr. Perry, where do you live now ? A I live on the same farm I have lived on there for twenty years, right east of Grove.

Q How many farms did Richard L. Prather have on Cow Skin prairie at the time of his death ? A About three farms, I believe.

Q How far was each one of these farms from where you lived ?

A One was just across the lane from my place, just a lane between us; the place that this widow owns or farms is just across the lane.

Q Well, where is the second one ? A It joins this one she owns on the east.

Q How far was the house on the second place from your house ?

A On the second place ?

Q Yes sir ? A The house on her place is about three-quarters of a mile from the house I live in.

Q That is the one she claims ? A Yes sir.

Q How far is the house on the next place ?

A A mile and a quarter.

Q How far is the house on the other place ? A About two miles and a half.

Q Do you mean to tell this Commission that this woman Lenora Prather didn't move down to one of these places and live there off and on, spending part of the time on the place and part of the time in Southwest City, the last of May or the first of June, 1898 ?

A If she ever lived there I don't know of it.

Q You won't say she didn't ? A If she had I would have known of it.

Q You don't mean to say she didn't do it ? A No sir.

Q You mean to say you didn't hear of it ? A Yes sir.

By Mr. Hastings:

Q Is that a prairie country ? A Yes sir.

Q How far can you see from your place ? A While there is no timber there, over all cow skin prairie.

Q Is there any timber between you and the farthest place ?
A No sir.

By Mr. Davis:

Q Who subpoenaed you ? A Baxter Prather.
Q What kin is Baxter Prather to Richard L. Prather, deceased ?
A Brother.
Q Are you a neighbor to Baxter Prather ? A Yes sir.
Q A neighbor ? A Yes sir.
Q Do you belong to the same lodge ? A No sir.
Q You are friendly ? A So far as I know we are; never had any difficulty.

C. E. LEONARD, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Hastings

Q What is your name ? A C. E. Leonard.
Q Where do you live ? A In Pineville.
Q Missouri ? A Yes sir.
Q What is your age ? A About thirty seven.
Q Did you live in the Cherokee Nation in the year 1898 ?
A No sir, I lived in the Seneca Nation on the line of the Cherokee Nation.
Q In 1898 ? A Yes sir.
Q How long did you live in that neighborhood ? A About 2 years.
Q Did you know R. L. Prather at the time he died ? A Yes sir.
Q How long had you known him ? A About 12 or 14 years. I had lived neighbor to him before that.
Q Where did you move from to the Seneca Nation ?
A From the Cherokee Nation, near Dick Prather's place.
Q Did you know Dick Prather, or R. L. Prather's widow ?
A Yes sir.
Q When did you first learn to know her ?
A Why when Dick married her.
Q Where were they living when he died ? A Southwest City.
Q Missouri ? A Yes sir.
Q When did you next have occasion to see her after his death ?
A Why I seen her frequently after his death at Southwest City, in passing around I seen her between times. I went to her house in October, 1898.
Q Where was she living then ? A Southwest City, Missouri.
Q Did you have a conversation with her in October, 1898 ?
A I had a conversation with her in regard to some corn I had bought from the estate.
Q Do you know how long she had been living there at that time ?
A Why if she ever lived anywhere else except right there I didn't know anything about it.
Q Well, you were one of the appraisers appointed by Mr. Wilson to appraise that R. L. Prather estate ? A Yes sir, part of it. The part near Southwest City.
Q Do you remember when that was ? A If I am not mistaken it was somewhere along the last of this month in 1898.
Q The last of November, in 1898 ? A Yes sir.
Q Did you go out to the farm at that time ? Out to the Prather farm on the cow skin prairie ? A Why I had been to the farm that morning looking after some corn, and then went on to Southwest City to look after the corn business, and went over there to the other place southwest of Southwest City, and that's the one I helped to appraise.

Q You helped to appraise one over in the Territory ?
A Yes sir. I had bought this corn from Judge Yeargain, the administrator, on the prairie, and I went over there to see about it, and Mr. Wilson come over there and stopped me from moving the corn, so I went with him to Southwest City to see Mrs. Prather and Judge Yeargain about this corn. Mrs. Prather was also hauling some of the corn I bought from Judge Yeargain to Southwest City.
Q When you helped to appraise this other little place in November, 1898, where was she living ? A At Southwest City.
Q Do you know how long she continued to live there ?
A No sir, I do not. She moved to the Cherokee Nation I think in 1899. I was living in the Grove at the time she moved there.
Q Do you know where she moved from there ? A No sir, I don't.
Q Well, it was after you went to Grove that she moved there, which was sometime after November, 1898 ? A Yes sir, it was in 1899.

By Mr. Davis:

Q Mr. Leonard, do you know of your own knowledge whether or not Lenora Prather lived on one of the farms belonging to the Richard L. Prather estate in the Cherokee Nation during the year 1898, beginning along the latter part of May or the first of June, of that year, spending part of the time on the farm and part of the time at Southwest City ? A No sir.
Q You don't know if she did or not ? A No sir.
Q She might have done it and you not have known it ? A Yes sir.
Q You say in 1899 she moved to the town of Grove ?
A Yes sir, I think it was.
Q Along in the fall of 1898 you saw her in Southwest City ?
A Yes sir.
Q She was living there ? A Yes sir.
Q You say you don't know whether she was spending a portion of her time on one of the places or not ? A No sir.
Q Who served the subpoena on you to come here ?
A Cale Starr.
Q Was he ever there on Cow Skin prairie ? A Yes sir.

J. C. STARR, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

Q What is your name ? A J. C. Starr.
Q What is your age ? A Thirty two.
Q What is your post office address ? A Vinita.
Q Did you know Richard L. Prather during his lifetime ?
A Yes sir, I did.
Q I will ask you if you know Mr. D. H. Wilson, who just left the stand ? A Yes sir.
Q I will ask you if you remember the circumstance of his having been appointed administrator of the estate of R. L. Prather, after his death ? A Yes sir, I do.
Q Do you remember when it was ? A It was in the fall of 1898.
Q I will ask you if you had any connection with the appraisement of that estate, and if so, what ? A I went along with Mr. Wilson as an officer--I was a Notary Public--to swear the appraisers.
Q Where did you go ? A Went to Cow Skin prairie, and while there the property of R. L. Prather, deceased, was appraised by the appraisers.

Q What did it consist of ? A Farms.
Q Did you go around to these different houses on these farms ?
A Yes sir, I did.
Q Did you see anything of Mrs. R. L. Prather, now the applicant Lenora Prather, on any of the farms in the Cherokee Nation when you went there to have these appraisements made ?
A No sir, I did not.
Q Did you go on to Southwest City, Missouri ? A Yes sir.
Q I will ask you if you saw Mrs. Prather over there ?
A Yes sir.
Q Were you at her house ? A Yes sir.
Q Was she living there ? A Yes sir.
Q Did she make any claim, at that time, to be living in the Cherokee Nation ? A I never heard of any claim being made at that time.
Q She was living there, just as any other person would be living in the house ? A Yes sir.
Q Is there anything else you desire to state ? You are stenographer for the Cherokee Nation aren't you Mr. Starr ?
A Yes sir.
Q I will ask you whether Baxter Prather or any one else ever offered you any consideration whatever to prosecute this case ?
A No did not and no one else ever did.

Examined by Mr. Davis :

Q You have had this case in charge, Mr. Starr, up until recently ?
A Yes sir.
Q You have been taking considerable interest in it haven't you ?
A Yes sir.
Q You have been over on Cow Skin prairie several times hunting up testimony ? A I have been over there once.
Q You always go to Baxter Prather's when you go ?
A No sir, I have never been there but once, and I went on other business at that time.
Q You have written him a great many letters ?
A I have written him two.
Q You have also written to Joe Yeargain about it ? A Yes sir, and to other people also.
Q At the time you went over there to help appraise this property, were all the houses on these various farms occupied, did you see people actually living in the houses at that time, or not ?
A I don't remember about all of them; we went to the houses and appraised the property there, but I don't remember about that.
Q Do you know if at that time Lenora Prather had some household stuff in one of the houses on one of the places, and claiming it as her home, and making it her home part of the time ?
A I didn't see anything that belonged to her.
Q Are you able to state of your own personal knowledge that Lenora Prather did not have one of those houses furnished with household stuff and kitchen utensils, and that she was not spending part of her time on the place ? A I didn't see anything that was hers, or claimed for her at the time.
Q Just answer my question, do you know of your own knowledge that she did not have charge of one of those houses ? A No sir.
Q I will ask you if such a thing is not possible, that she might have been down there the latter part of May or the first of June, and on down to the fall of 1898 ? A It might have been possible.
Q Where were you living then ?
A I had my household things in Vinita, but I was staying most of the time in Grove.
Q How far was your family located from you ?
A My family was located in Grove at that time. I was out there frequently during that year.

Q Do you know the Prather places ? A I don't know that I do; I know those that were shown to me.
Q Were you at all the Prather places frequently during the year 1898 ? A I was in that country frequently.
Q But were you on the Prather places frequently any more than anyone else ? A No sir, I was there the year they appraised them.
Q Were you on all the Prather places ? A On all that were pointed out to the appraisers to be his.
Q You simply appraised what was pointed out to you ? A Yes sir.
Q You don't know whether that was all he owned or not ? A No, I don't.
Q You simply appraised what was pointed out to you by the administrator ? A Yes sir, I was with them when the appraisers appraised them.

JACOB LEWIS, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Hastings:

Q What is your name ? A Jacob Lewis.
Q How old are you Mr. Lewis ? A Fifty nine.
Q Where do you live ? A I live in Arkansas, at Gravett.

By Mr. Davis:

Q Were you convicted of a felony ? A No sir.
Q Have you ever been in the penitentiary at any time ? A No sir.

By Mr. Hastings:

Q How long have you been living at Gravett, Arkansas ? A I have been living there about thirteen years.
Q I will ask you if at any time during the year 1898 you stayed in the Cherokee Nation ? A I stayed there part of the year.
Q When; what time ? A From about the middle of August until the first of November.
Q About two months or two months and a half ? A Yes sir.
Q Where did you stay ? A I stayed on what is known as the widow Prather's place.
Q What is that, on what prairie ? A It was on what is called Cow Skin prairie.
Q How far from the town of Grove ? A I think they call it about six miles to the Grove.
Q You are not very well acquainted up there ? A Not very well.
Q Who did you work for ? A Mr. McMahon.
Q Was he a renter on the place ? A Yes sir.
Q Did you work for him from August until about November, 1898 ? A Yes sir.
Q What were you doing there ? A I was working corn, and helping to husk corn.
Q Did you learn to know Mrs. R. L. Prather while you were there, or did you know her before ? A No, I didn't know her before. I seen her several times while I was there.
Q Where did she live while you were there ? A She told me she lived in Southwest City.
Q Missouri ? A Yes sir.

Q Well, did she live out there ? A No sir she wasn't living out there.

Q Did she come out there now and then ? A Yes sir she was out there several times.

Q How long would she stay when she was out there ? A Why I don't know as I could tell exactly how long it was.

Q Did she ever stay over night ? A Not to my knowledge.

Q You never knew her to stay over night ? A No sir.

Q She would come out and go back the same day ? A Yes sir.

Q Well, what did she come for ? A Said she come out to see about her place.

Q Looking after her place ? A Yes sir.

Q Did she have any children with her ? A She brought a couple of children with her pretty much every time she come.

Q She would take them back with her would she ? A Yes sir.

Q They never stayed out there did they ? A No sir.

Q I will ask you if she had any household effects out there ? A Why she brought some household effects out there while I was there.

Q That was after you went out there ? A Yes sir.

Q What did they consist of ? A Some bedding, and a bed and a few chairs.

Q Did she use them ? A No sir.

Q Well, who did ? A I used the bed considerable myself, she told me I could have the use of it.

Q She never brought them out there until after you went there, and that was about the first of August, 1898 ? A Yes sir, it was about the middle of August.

Q That you went there ? A Yes sir.

Q Well, did you hear anything said at that time about her having any other personal property on the place before that ? A No sir, she claimed to have corn on the place.

Q I mean household effects ? A No sir, I never heard her say anything about it.

Q Did you hear anybody else on the place say that she had any household effects there other than those you mentioned, that were brought there after you went there ? A No sir, I never heard of any others.

Q Do you know what became of these household effects ? A No sir, I don't; they were there when I went away.

Q Where was she when you went away, say in November, 1898 ? A I can't say where she was for I didn't see her.

Q You never did see her at Southwest City ? A No sir, I never did.

Q Had you understood at the time that she lived there ? A Yes sir.

Q Was Jess Turner out there with you at that time ? A He stayed there part of the time.

Q Where is he now ? A He is working part of Jim Turner's place, so I am told.

Q Do you know whether his wife is sick or not ? A I don't know, for I didn't see her. I have heard that she was sick.

Q Do you know whether he was subpoenaed as a witness in this case ? A Yes sir he was.

Q You understood that that was the reason of his not appearing, that his wife was sick ? A Yes sir.

Q You say he was there on the place part of the time while you were there ? A Yes sir, he was staying there with me.

Examined by Mr. Davis:

- Q Who subpoenaed you? A Why Mr. Prather.
- Q Baxter Prather? A Yes sir.
- Q What kin is he to Richard L. Prather, deceased?
- A He claims to be a brother.
- Q Where were you? A I was on what is called widow Prather's place.
- Q How come you to be there? A I come down to pick corn for Mike Nichols.
- Q What did Baxter Prather say to you? A He didn't say anything, only he said he understood I was there in 1898.
- Q How much money did he give you to come down here on?
- A He didn't give me any.
- Q Didn't he lend you some money to come down here to pay expenses?
- A Yes sir he loaned me a little.
- Q How much? A I borrowed three dollars of him.
- Q Do you mean to tell this Commission of your own knowledge that Mrs. Prather didn't have any other household effects on any of her places before, you testified, she brought some stuff down there after August first in 1898?
- A I didn't testify to any such thing.
- Q You don't know, do you? A No sir, she might have had things there before that for all I know.
- Q Did you ever live on any other farms of her's?
- A No sir.
- Q Do you know how many other farms she has?
- A No sir. There is two houses there.
- Q Do you know how many other places she has?
- A No sir.
- Q How many years ago was it since you were down there working for McMahon, from now?
- A It was four years ago this fall.
- Q Hasn't it been five years ago this fall?
- A No sir.
- Q How do you know it was in 1898? How do you know you were picking corn for McMahon in 1898?
- A What makes me know that is, I know it was four years ago this fall.
- Q Well how now; did you set it down?
- A No sir.
- Q Was your attention especially called to the fact at that time, that it was 1898?
- A No sir.
- Q Have you had any reason to remember it since that time; didn't the matter of the year come up there that day when you were subpoenaed by Baxter Prather?
- A No sir.
- Q Who refreshed your memory, did Baxter Prather talk it over with you there?
- A No sir.
- Q Did he ask you when you were there?
- A No sir.
- Q Didn't you state a while ago that you had a conversation with him in which he said you were there in 1898, and wanted you to come down and testify, and loaned you three dollars?
- A I told him he would have to let me have three dollars to come on, for I didn't have any.
- Q Didn't you swear a while ago that he told you that you were down there in 1898?
- A I don't think I did.
- Q Didn't you have that conversation?
- A As a matter of fact didn't he refresh your memory to say that it was in 1898, and that that was what you were coming down here for, to say it was 1898?
- A No sir. If it hadn't been 1898 I wouldn't have said it.
- Q What was you doing there in 1897?
- A In the fall of 1897 I picked corn for the same fellow, Mike Nichols.
- Q Where were you in November, 1897? Do you know; are you able to swear now what you were doing and where you were in November, 1897?
- A In the fall of 1897 I was at Ose Harlin's picking corn.
- Q Where were you in November, 1896?
- A I picked corn there that year at Ose Harlin's in 1896.
- Q I thought you had been living in Arkansas for the last thirteen years?
- A I have.

Q Did you spend most of your time in the Territory, just like Mrs. Prather lived in Southwest City, and spent most of her time in the Cherokee Nation? A I went down there to pick corn.
Q You have been there most of the time? A I have been there a good deal of the time in the fall.
Q You just came down there and hired out to these farmers to pick corn? A Yes sir.
Q What business are you in at home, what do you follow for a living, in Gravett? A Various things, I work out in Gravett.
Q You have got no steady trade? A No sir.
Q In the fall you go down into the Territory and hire out to Tom, Dick and Harry to gather corn? A Yes sir.
Q Where were you in the fall of 1899, where were you and what were you doing? A I was at work at home that year.
Q In Arkansas? A Yes sir.
Q Can you read and write? A Yes sir.
Q You keep track of dates do you? A Yes sir.
Q What impressed this 1899 on your mind, how did you happen to think about it? A Why-----
Q Who did you talk to about this Prather business, just to be honest about it? Who had been talking to you about it?
A Mrs. Prather is the only one that has ever talked to me about it.
Q Hasn't Baxter Prather talked to you about it? A No sir.
Q Where did you stay last night? A Here in town.
Q Where did you stay the night before? A Down there on the widow Prather place.
Q Have you ever been to Baxter Prather's since you were subpoenaed in this case? A I went there yesterday morning and borrowed some money of him.
Q How long did you stay at his place? A About fifteen minutes.
Q Did you tell him about coming down here and what you were coming down here for during that fifteen minutes? A No sir, nothing more than to tell him I would have to have some money to come down here, and would have to borrow some of him.
Q Didn't you talk with him about when it was you were down there, whether it was in 1897 or 1898? A He never said a word about that, and we never talked over the circumstances at all.
Q Never said a word about it? A No sir.
Q You are positive about that? A Yes sir.
Q Just as positive about that as you are about anything else you have testified to? A Yes sir.

By Mr. Hastings:

Q You are a poor man aren't you? A Yes sir.
Q You didn't have means to come down here? A No sir, I didn't.
Q You borrowed money to come? A Yes sir.
Q And expect to pay it back when you return? A Yes sir, that's what I expect.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 12, 1902.

E. C. Bagwell
B. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, November 14th, 1902.

In the matter of the application of Lenora Prather for the enrollment of herself as a citizen by intermarriage and for the enrollment of her children, Sam Houston Prather and Maggie Prather, as citizens by blood of the Cherokee Nation.

Supplemental to D-16.

The attorney for the applicant, on October 15th, 1902, was notified that this case would be held open, for the introduction of further testimony either by the applicant or by the representative of the Cherokee Nation, until the 14th day of November, 1902.

The applicant and her attorney have this day, to-wit: the 14th day of November, 1902, been called and fail to respond.

The Cherokee Nation offers in evidence the certificate of Charles L. Dry, city clerk of Southwest City, Missouri, under the seal of said city, of date November 12th, 1902, certifying that the records show that the applicant, Lenora Prather, had paid taxes on household goods for the year 1898 and 1899.

RECEIVED
COMMISSION TO THE FIVE CIVILIZED TRIBES
NOV 15 1902

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings and that the same is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5th day of February, 1903.

J. Reson
Notary Public.

Notary Public

Witnessed and sworn to before me this 5th day of February, 1903.

COPIES FURNISHED OF THE ABOVE-RECORDED NOTES HEREOF.

Recorded the above proceedings and that the same are a true and correct copy of the original to the Five Civilized Tribes the same as the same being first sworn, stated first as

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
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ACTING COMMISSIONER

taxes on horsehold books for the year 1899 and 1900. The records show that the applicant, Peters, brother, had paid each of said city, of date November 19th, 1900, certifying that Charles D. May, city clerk of Southwest City, Missouri, under the Cherokee Nation officers in evidence the certificate of 14th day of November, 1900, been called and left to respond. The applicant and her attorney have this day, to-wit: the 15th day of the Cherokee Nation, until the 14th day of November, 1900, of further testimony signed by the applicant or by the representative notified that this case would be held open for the investigation. The attorney for the applicant, on October 19th, 1900, was

Substantially to L-10.

as citizens by place of the Cherokee Nation. Enrollment of her children, Sam Houston, brother and sister, brother, enrollment of herself as a citizen by Indian name and for the in the matter of the application of James P. May for the

77-44018

To be filed in D 16.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., OCTOBER 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF John Parks, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John Parks.
Q What is your age? A Forty six.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

Q By blood or intermarriage? A By blood.
Q For whom do you apply? A Myself, wife and children.
Q What is the name of your wife? A Margaret J. Parks.
Q What was her name before you married her? A Margaret J. Praither.

Q Have you any certificate of marriage? A Yes, sir.

The applicant presents a marriage license and certificate of marriage, certifying that he was married according to the laws of the Cherokee Nation to one Mollie E. Praither, a Cherokee citizen, on the 20th day of September, 1871.

Q Is the Mollie E. Praither mentioned in this certificate the Margaret E. Parks whom you now claim to be your wife? A Yes, sir.

(1896 Roll, Page 585, #438, John Parks, Delaware D'st)

(1896 Roll, Page 517, #2417, Margaret J. Parks, Delaware D'st)

Q What are the names of your children under age and unmarried?

A John Parks.

Q Has he any middle name? A No, sir.

Q How old is he? A Nineteen years old.

Q Next one? A Ora Ada Parks.

Q How old is she? A Fifteen.

Q Next one? A Owen B.

Q How old is he? A Nine.

Q Next? A That is all.

Q Are these children living and living with you now? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A Twenty eight years.

Q Have you been living with your wife continuously since you married her? A Yes sir.

Q Was she your first wife? A Yes, sir.

Q Were you her first husband? A Yes, sir.

(1896 Roll, Page 517, #2421, John Parks, Delaware D'st)

(1896 Roll, Page 517, #2422, Ora Ada Parks, Delaware D'st)

(1896 Roll, Page 517, #2523, Owen Bell Parks, Delaware D'st)

The names of John Parks, and his wife, Margaret J. Parks, appear upon the census roll of 1896; Applicant also presents a certificate of admission, certifying that his wife, Margaret J. Parks, was admitted to citizenship on the 13th day of July, 1886, said certificate being signed by W. P. Boudinet, Executive Secretary of the Cherokee Nation under the great seal of the Cherokee Nation. He also presents satisfactory proof, by certificate issued from the Office of the Commission on Citizenship, June 27th, 1887, signed by W. M. Gallagher, Assistant Executive Secretary, under the seal of the Nation, certifying that his wife, Margaret J. Parks, was declared a citizen on the 19th day of December, 1870, said certificate being signed by J. T. Adair, Chairman, D. W. Lipe and H. C. Barnes, Commissioners, under the seal of the Cherokee Nation.

The name of John Parks, being found upon the census roll of 1896, as well as the name of his wife, Margaret J., and he producing satisfactory proof of marriage to his wife, in the year 1871, her maiden name being Margaret Prather; and the names of his children, John, Cora Ada and Owen B. appearing upon the census roll of 1896; they all being duly identified and having made satisfactory proof both as to their citizenship and their residence, the said John Parks will be duly listed for enrollment as a Cherokee citizen by intermarriage, and his wife, Margaret J. Parks, and his children, John, Cora Ada and Owen B. as Cherokee citizens by blood.

For more particular proof as to the citizenship of his wife, see the testimony in the case of his wife's mother, Caroline C. Prather, who was enrolled this day on Card #4014.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Cravens.

Subscribed and sworn to before me this 7th day of October, 1900.

C. R. Breekinridge.

Commissioner.

Betta Chick, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy, and that the same is a true and complete copy of the original.

B. Chick

Subscribed and sworn to before me this 7th day of July, 1902.

Seal

Philip S. Renter
Notary Public.

Subscribed and sworn to before me this 11th day of July, 1905.

copy, and that the same is a true and complete copy of the original.
the Commission to the Five Civilized Tribes and made the foregoing
Betty Child, being sworn, states that as stenographer to

Commissioner.

H. B. Craven.

As a true and complete transcript of his stenographic notes thereof
of the testimony and proceedings in this case, and that the foregoing
to the Commission to the Five Civilized Tribes, he correctly records
the undersigned, being sworn, states that as stenographer

Witness, who was employed this day on said roll.

wife, see the testimony in the case of his wife, a mother, Caroline L.

John, Ora Ada and Owen B. as Cherokee citizens by blood.

John Parks with the help of his wife, Margaret A. Parks, and his children
brood both as to their citizenship and their residence, the said
1899; they all being duly identified and having made satisfactory
green, John, Ora Ada and Owen B. appearing upon the census roll of
her maiden name being Margaret Parker, and the names of his child-
ducing satisfactory proof of marriage to his wife, in the year 1899.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., OCTOBER 3rd, 1900.

IN THE MATTER OF THE APPLICATION OF Caroline C. Prather and husband for enrollment as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Caroline C. Prather.
Q How old are you? A Sixty eight.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a citizen by blood? A Yes sir.
Q Do you want to enroll any one but yourself? A Yes sir; my husband.
Q Is he not here? A No sir; he is sick in bed.
Q What is his name? A Robert A. Prather.
Q White man? A Yes sir.
Q How long have you been married to him? A Thirty three or thirty four years.
Q How old is your husband? A He is seventy three. Will be next May.
(1896 Roll, Page 517, #2416, Edath C. Prather, Delaware D't)
(1896 Roll, Page 585, # 420, Robert A. Prather, Delaware D't)
Q How long have you lived in the Cherokee Nation? A About thirty five years.
Q Right along; continuously? A Yes sir., never lived out.

The applicant presents a certified copy, issued from the Executive Department of the Cherokee Nation, July 13th, 1886, said certificate being signed by W. P. Boudenot, Executive Secretary, under the seal of the Nation, certifying that Caroline C. Prather and family were admitted to citizenship. Afterwards, a certificate is presented, certifying that the said Caroline C. Prather and family were summoned to appear before the Commission to try and determine applications for citizenship, and show cause why their admission was not obtained by fraud.

Said applicants did appear before the Commission, on the 27th of June, 1887; the case was investigated, and the following verdict was rendered: "We, the Commission on Citizenship, fail to find that fraud or bribery has been resorted to by the said Prathers in obtaining their citizenship in the Cherokee Nation, on December 19th, 1870. We find for the defendants in this case." Signed by J. T. Adair, Chairman, D. W. Lipe and H. C. Barnes, Commissioners, certified to by William M. Gulliger, Assistant Executive Secretary, under the seal of the Nation.

It appears that because said charge of fraud, the names of the applicants were not placed on the authenticated roll of 1880. Their names are found upon the census roll of 1896, according to the page and number of the rolls as indicated in the testimony. The applicant avers under oath that she was married to one, Robert A. Prather, about the year 1873, according to the laws of the Cherokee Nation, and that she has lived with him continuously ever since. Proof being satisfactory as to the citizenship of the said Caroline C. Prather, and Robert A. Prather, her husband, she will be duly listed for enrollment as a Cherokee citizen by blood, and the said Robert A. Prather as a citizen by intermarriage.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(SIGNED) R. R. Cravens.

Sworn to and subscribed before
me this 7th day of October, 1900.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, July 22, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states
that as stenographer to the Commission to the Five Civilized Tribes,
she made the above and foregoing transcript and that the same is a
true and complete copy of the original now on file with this Com-
mission.

Florine B. Hatch

Subscribed and sworn to before me this 22 day of July, 1903.

Edward Merrietz
Notary Public.

Cherokee 4014.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 3, 1902.

In the matter of the application of Robert A. Prather for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Caroline C. Prather, as a citizen by blood of the Cherokee Nation.

Preston S. Davis, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Preston S. Davis.
Q What is your age? A Thirty-two years old this coming November.
Q Are you acquainted with Robert A. Prather? A Yes sir.
Q How long have you known him? A I have known him since 1883.
Q What is his wife's name? A Caroline.
Q Has Robert A. Prather and his wife, Catherine, lived together all the time since you have known them as husband and wife? A Yes sir, both living and living together now as husband and wife.
Q Living together on the first day of September, 1902? A Yes sir.
Q Never have separated? A No sir, never have separated.
Q Do you know whether Robert A. Prather was married to his wife, Catherine C., under a Cherokee license? A He was, and applied to the Cherokee citizenship Commission and was duly admitted before that Commission and the record of the same is on file in his application before this Commission.
Q Has his marriage license been filed? A Yes sir; and also has his admission to citizenship before the Cherokee Commission been filed.
Q Where has Robert A. Prather and his wife, Catherine C. lived for the last eight years? A Vinita.
Q Cherokee Nation? A Yes sir, living there now.
Q Is there any other statement you wish to make? A No sir, I believe not.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(SIGNED) E. G. Rothenberger.

Subscribed and sworn to before me this 4th day of October, 1902.

(SEAL)

(SIGNED) B. C. Jones,
Notary Public.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, July 22, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above transcript and that the same is a true and complete copy of the original now on file with this Commission.

Subscribed and sworn to before me this 27 day of July, 1903.

Florine B. Hatch
Edward Morris
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 30, 1902.

In the matter of the application of Robert A. Prather for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Caroline C. Prather, as a citizen by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

L. S. Robinson, being sworn, testified as follows:

By the Commission:

- Q What is your name? A Robinson; L. S. Robinson.
Q How old are you? A I am fifty-one years old.
Q What is your postoffice address? A Big Cabin.
Q You appear for the purpose of giving some testimony in the matter of the application of Robert A. Prather and his wife? A I suppose just himself.
Q Well, it is both of them. The matter of his application for both?
A Yes, sir.
Q What is the reason Robert A. Prather is not before the Commission?
A Dr. Clinkscales says an abscess on his lungs.
Q Is Dr. Clinkscales the attending physician? A Yes, sir.
Q Is Mr. Prather confined to the house? A Nearly all the time.
Q Is he a very old man? A Yes, sir, close to eighty years old, I think. He is between seventy-five and eighty.
Q How long have you known Robert A. Prather? A Well, I guess I have known him for eight years.
Q Eight years? A Yes, sir, I married his daughter seven years ago.
Q Known him since then? A Yes, sir.
Q Has Robert A. Prather and his wife, Caroline, lived together since you have known them as husband and wife? A Yes, sir.
Q They never have been separated? A No, sir.
Q They were living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q And both living at this time? A Yes, sir.
Q Have they lived in the Cherokee Nation for the last eight years?
A I expect for the last forty.
Q Well, so far as you know? A Yes, sir.

Betta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

(SIGNED) Betta Chick.

Subscribed and sworn to before me this 9th day of December, 1902.

(SIGNED) P. G. Reuter.
Notary Public.

(SEAL)

Cherokee 4014.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 22, 1903.

The undersigned, Florine E. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript and that the same is a true and complete copy of the original now on file with this Commission.

Florine E. Hatch

Subscribed and sworn to before me this 22 day of July, 1903.

Edward Merriam
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
TAHEQUAH, I. T., DECEMBER 14th, 1900.

IN THE MATTER OF THE APPLICATION OF Lee B. Prather for the enrollment of his nephew, Jesse Prather, ~~for enrollment~~ as a citizen of the Cherokee Nation, and said Lee B. Prather, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Lee B. Prather.
Q How old are you? A Thirty nine.
Q What is your Postoffice? A Grove, I. T.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q Who^{am} do you desire to enroll? A I want to enroll a nephew of mine.
Q Just your nephew? A Yes sir.
Q What is his name? A Jesse Prather.
Q How old is he? A Nineteen.
Q What is his father's name? A Richard L. Prather.
Q Is he living? A No sir.
Q What is his mother's name? A Bettie Prather: He married her under the name of Wes Lewis.
Q Is he a Cherokee by blood? A Yes sir.
Q He married in Arkansas under the name of Wes Lewis? A Yes sir.
Q How did that happen? A I can not tell you.
Q How is his name on the roll of 1880? A He was not enrolled in 1880 I reckon.
Q What right has he to citizenship? A He was a citizen.
Q Well, what makes him a citizen if he is not on the roll of 1880? A We were disputed then.
Q Are you in dispute now? A No sir.
Q Were you admitted by the Commission? A Yes sir.
Q Where is your proof of Richard T. Prather's admission? A I have not got it with me.

(1896 Roll, Page 514, #2351, Jesse Prather, Delaware District)

Com'r. T. B. Needles: The name of Jesse Prather is found upon the census roll of 1896: Lee B. Prather comes and applies for his enrollment as a Cherokee citizen by blood, and as to proof of citizenship of the said Jesse Prather, and the marriage between his father and mother, Richard L. Prather and Bettie Prather, he refers to the papers in the case of Lenora Prather et al, D. Card #16.

The Commission not being fully advised, final judgment as to the enrollment of the said Jesse Prather will be suspended, and his name will be placed upon a doubtful card.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 8th day of January, 1901.

COMMISSIONER.

R

C. D-976

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 16, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Jesse Q. Prather for enrollment as a Cherokee citizen.

Appearances:

J.S.Davenport, Visits, Attorney for Applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 26th, 1902, that his application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 14th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and on said date, to-wit: the 14th day of March, 1902, the case was by agreement continued until the 15th day of March, 1902.

The applicant this day, to-wit: the 15th day of March, 1902, appears by his attorney, J.S.Davenport:

S.A.PATRICK, being first duly sworn and being examined testified as follows:

BY MR. DAVENPORT:

Q What is your name? A S.A.Patrick.
Q Where do you live? A Franklin County, Arkansas.
Q What is your post office? A Vineland.
Q How long have you lived in Franklin County, Arkansas? A Born and raised there.
Q Did you ever know a man there that went by the name of W.R.Lewis? A Yes sir.
Q How long did you know him down there? A I knowed him there, I think I would be safe in saying five or six years.
Q You know whether or not he married there? A Yes sir.
Q Who did he marry? A A Miss Bettie Ford.
Q How long did he live with Miss Ford, or about how long? A Well he lived with her I will say five or six years.
Q You know whether or not he during the time they lived together as man and wife there were any children born to them? A Yes sir.
Q You know their names? A Yes sir, Jessie Prather and Georgie Prather, or Lewis, that's the name he went under there.
Q Did you ever know him by any other name? A Yes sir.
Q By what name? A Dick Prather.
Q Where and when did you know him by Dick Prather? A In the Cherokee Nation.
Q Near what place? A Southwest City, Missouri.
Q That was the post-office, where was he living then, in Southwest City? A No sir, he lived out on Cowskin Prairie there, near Southwest City.
Q You know whether or not he had this boy Jesse there with him? A Yes sir, he was there then.
Q About how old is Jesse now, Mr. Patrick? A Well, he is somewhere about 20 or 21 years old.
Q You know whether or not the man you know as Dick Prather up there is the same man you know as W.R.Lewis? A Yes sir, he was the same man.

BY MR. HASTINGS:

Q You know whether this man Lewis has been married before or not? A No sir, I don't know, only what he said; and he had a girl.
Q How long had you known him before his marriage, down there? A He married the same year that I first got acquainted with him.
Q How long did you know him down there in Arkansas? A I think it is 6 or 7 years.
Q Living down there? A Yes sir.

- Q With his wife? A Yes sir.
- Q This child born there? A Yes sir, Jesse Q. Prather was born there, we lived a mile and a half from him and he come up and would have me go and see Jesse, Quantrell, they called him Quantrell.
- Q You know whether his mother had ever been married before? A No she never was.
- Q How long had you known her? A I had known her all my life, born and raised right there together.
- Q And you know him down there six or seven years? A Yes sir.
- Q What did he do? A Why he was a farmer and ~~knacker~~ farmed.
- Q Where was that, in Arkansas? A In Franklin County.
- Q Where is Franklin County, what is the County seat of it? A O-sark is the County seat.
- Q What ~~kind~~ of tier of counties is that? A It is the second county from Crawford County, here on the line.
- Q How long did you continue to know this boy down there? A Why that boy, his father taken him away from there in the spring of '90 I think it was April or May, took him to the Cherokee Nation, and afterwards I was up there you know.
- Q Have you seen the boy in Arkansas since? A Yes sir, I have.
- Q How long did he stay in the Nation in 1890 when he came up there, before he went back to Arkansas, about how long, your best judgment? A Well I don't think, - he was back there just a year or two I think ago.
- Q Did he stay up here until a year or two ago? A Well that's what I am speaking about you know, yes, if I had a little time to study I might study up the time you know, yes.
- Q Well think about it a little and give us your best judgment as to how long he stayed up here when he came in '90? A Well, I think it was just a year or two ago when he came back there.
- Q Is he down there now? A No sir.
- Q How long did he stay there when he was there a year or two ago? A He stayed there last year during the summer.
- Q Is his mother down there now? A No his mother is dead.
- Q How long has she been dead? A I don't know, I think it has been a year or more, my recollection.
- Q Did he live with her until her death, I mean the husband? A No sir.
- Q They separated? A Yes sir.
- Q And she died a year or two ago? A Yes sir, and Dick Prather was killed in Southwest City, - a team ran away.
- Q Where is the boy now? A I couldn't tell you.
- Q When did you leave Arkansas? A Day before yesterday.
- Q Have you seen him down there this last year? A No sir not this year.
- Q You saw him last year? A Yes sir.
- Q In the year of 1901 you saw him down there? A Yes sir.
- Q About how much of the time? A Well I don't believe that I saw him but twice.
- Q You don't know where he was living? A He lived with his Grampa down at the ford.
- Q His grandpa alive down there? A Yes sir.
- Q How far do you live from him? A About a mile and a half.
- BY MR. DAVENPORT:
- Q Did you say he was living with his grandpa last year? A Yes sir.
- Q I mean was he making his home there? A Well I don't know about that, I never asked anything about that, none of my business.
- Q You just saw him there with his grandpa? A Yes sir.

ALONZO FORD, being first duly sworn and being examined testified as follows:

BY MR. DAVENPORT:

- Q What is your name? A Alonzo Ford
- Q Where do you live? A Franklin County, Arkansas.

Q What is your post office? A Gravens.
 Q How far do you live from Omark? A About eight miles.
 Q Did you know a man some years ago who came down in that country and married, named W.R. Lewis? A Yes sir, married my sister.
 Q What was your sister's name? A Elisabeth, we called her Beck.
 Q After they were married did they have any children? A Yes sir.
 Q How many? A Three.
 Q What are their names? A Georgie, Jesse and Effie.
 Q How long did they live together as husband and wife? A 5 or 6 years.
 Q Were those children born while they were living together as man and wife? A Two of them, Georgie and Jesse.
 Q Is Jesse the same as Jesse Q.? A Yes sir.
 Q Did you learn to know this man by any other name other than W.R. Lewis, after he married your sister? A Yes sir, I heard that by several parties that that was Dick Prather up here at Vinita.
 Q You know this Jesse Prather now, goes by the name of Jesse Prather? A Yes sir.
 Q Is he the same child that was known then as Jesse Lewis? A Yes sir, my sister's child, born Jesse Lewis.
 Q Where has Jesse been living for the last few years? A He has been up in the Territory, on Cowskin Prairie; his father come and got him when he was a small boy, and for the last two or three years he has been in Arkansas part of the time, with his grandfather my father.
 Q Where is he living now? A He is up in the Territory, I suppose, up about Cowskin Prairie.
 Q Do you know his age now? A I think he is 21 years old, I think he was 21 in January.
 Q He is not living with your grandfather down there now? A No sir.
 Q About how old was he when his father came and got him? A I guess he was somewhere about 7 years old.
 Q You knew whether or not he went down there to his grandfather's to live before his father's death? A No, he never come back down there.
 Q He came to live with his grandfather after his father's death? A Yes sir.
 Q Was his mother living then? A No sir.

BY MR. HASTINGS:

Q How long did you know this Man Lewis or Prather, in Arkansas? I knew him while he lived with my sister and a little while before, about 5 or 6 years I guess.
 Q What was he doing down there? A He farmed and traded.
 Q How many children did he have by your sister? A Three.
 Q They were all born there in Arkansas? A Yes sir.
 Q Your sister died there? A No she died up here in the Territory.
 Q Were they separated down there? A Yes sir.

BY MR. DAVENPORT: I will ask to make that part of the record as to the marriage of W.R. Lewis and divorce, in the case of Lemora Prather made part of the record in this case.

BY COMMISSION: It is directed that a copy of the marriage license filed in the case of Lemora Prather, et al., D 16, authorizing the marriage of Wesley R. Lewis and Sarah E. Ford, be made part of the record in this case; also a copy of the complaint for divorce between Sarah E. Ford Lewis and Wesley R. Lewis, filed in the same case.

BY MR. DAVENPORT: I want to call the attention of the Commission to the fact that while the proof shows that the applicant was born in Arkansas, it shows that he was brought to the Nation when he was a small child, estimated to be 5 or 6 or 7 years old, and lived continuously with his father until his father's death.

BY MR. HASTINGS: The Cherokee Nation contends that in the first place there is no proof of the father's citizenship, in the Cherokee Nation; no proof that he was ever admitted; and the proof

in this particular case shows that he was a resident of the State of Arkansas, farmed and made his living there some five or six years, and even if he had been recognized as a citizen of the Cherokee Nation prior to that time he forfeited his right at that time by non-residence, and that this child was born of a marriage contracted in the State of Arkansas, where the mother continually lived until her death, and attention is further called to the fact that the proof does not show that this boy has made any continuous residence in the Cherokee Nation, but upon the other hand, shows that he lived in the state of Arkansas up until the year 1890 and then came to the Cherokee Nation, - where there is not very much definite proof, - but that during last year he was in Arkansas with his grandfather.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit this case; same is deemed completed, and will be reported to the Commission for final decision, based upon the evidence now of record.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green

10976

and complete transcript of my stenographic notes thereof, shown and proceedings in this case and that the foregoing is a true copy to the five Civilized Tribes I correctly recorded the testimony of I. M. D. Green, do hereby certify that the stenographer to the Commission.

DEPARTMENT OF THE INTERIOR
TO THE FIVE CIVILIZED TRIBES
FILED
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final decision, passed upon the evidence now of record, is deemed completed, and will be reported to the Commission for tentative of the Cherokee Nation's consent upon this case; same BY COMMISSION: The attorney for the applicant and the representative his Grandfather.

decision made. But after failing last year he was in Arkansas then came to the Cherokee Nation, where there is not very much he lived in the state of Arkansas up until the year 1880 and in the Cherokee Nation, but upon the other hand, shows that does not show that this boy has made any continuous residence and attention is further called to the fact that the boy, Arkansas, where the mother continually lived until her death, child was born of a marriage contracted in the State of citizen of the Cherokee Nation prior to that time he for five or six years, and even if he had been recognized as a State of Arkansas, named and made his living there some

To be filed with, - D. #976.

MARRIAGE LICENSE.

State of Arkansas)

County of Franklin)

To any person authorized by law to solemnize marriage:
You are hereby commanded to solemnize the rites and publish
the bans of Matrimony between Wesley R. Lewis aged 25 years, and
Sarah E. Ford aged 19 years, according to the law, and do you officially
sign and return this license to the parties herein named.

Witness my hand official seal this 14th day of June, 1878.
(seal) (signed) G. H. Ross, County Clerk,
By George Spencer, D.C.

State of Arkansas ;
County of Franklin:

I, J. R. McLaughlin, do hereby certify that on the 16th day
of June, A.D., 1898, I did duly and in accordance to law, as commanded
in the foregoing license, solemnize the rites and publish the bans of
matrimony between the parties therein named.

Witness my hand this 16th day of June, 1878.
(SEAL) (signed) James R. McLaughlin, J.P.
Filed July 25th and recorded July 27th, 1878.
(signed) G. H. Ross, Clerk
By George Spencer, D.C.

I, A. R. Cheever, do hereby certify that as stenographer to the
Commission to the Five Civilized Tribes I made the foregoing copy
and that the same is a true and complete copy of the original
manuscript.

A. R. Cheever

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I.T., August 8, 1900.

In the matter of the application of Effie Denton for enrollment as a Cherokee by blood; being sworn and examined by Commissioner Breckenridge, she testified as follows:

- Q What is your full name? A Effie Denton.
- Q What is your age? A 18.
- Q Why doesn't your mother or father apply for you, are you an orphan?
- A Yes, sir.
- Q What is your post office? A Sallisaw.
- Q What is your district? Sequoyah? A Yes, sir.
- Q How long have you lived in Sequoyah district? A As long as I can remember.
- Q All your life? A Yes, sir.
- Q Do you claim as a Cherokee by blood? A Yes, sir.
- Q Are you married or single? A I am married.
- Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.
- Q Are you on the roll of 1894, when they drew the strip money?
- A Yes, sir.
- Q What was your name in 1894? A Effie Prather.
- Q When were you married? A The 14th of last March.
- Q Have you a certificate of marriage? A Yes, sir, this is it.
- Q How old did you say you were? A I am 16, but it is 18 down there.
- Q This madam, is a duly authenticated certificate and license of your marriage, showing that you were married as stated on the 15th day of March in this year. I believe you stated that you were married on the 14th of March, but this is not a very great deal of difference. This identifies you under your new name. I return this to you. Is your mother living? A No, sir.
- Q Is she on the roll of 1880? A No, sir, she is a white woman.
- Q What is your mother's name? A Bettie Prather.
- Q Were your father and mother married in 1880? A Why I don't know.
- Q Are these other children in the family besides yourself? A Yes, sir.
- Q Some older than you? A Yes, sir.
- Q What is the age of the eldest of the children? A 20, I believe.
- (On 1894 roll, page 445, No. 2208, Effie Prather, Delaware dist. On 1896 roll, page 514, No. 2352, Effie Prather, Delaware dist, 12 years old.)
- Q Mrs. Denton, you present here a transcript from the Journal under date of 1870, showing the decision of what I understand to be the Supreme Court of the Cherokee Nation, on December 19, 1870, to the effect that one Caroline G. Prather is a Cherokee by blood and is entitled to the full rights and privileges of a Cherokee citizen. Was that Caroline G. Prather your grandmother? A Yes, sir.
- Q Here is also a duly certified transcript from the record of citizenship in 1880, page 12, "A". This states a certain list therein stated contains the names, or at least is of the Prather family, and that it is copies from the official record made in the Executive Department on June 21, 1871, by the Supreme Court acting as a Court of Commission, and it further says in the transcript to which allusion is made that the said report is of record in this case. Now that document is signed W. P. Doudinott, Executive Secretary, November 26, 1886. In the list of names referred to occurs that of Caroline G. Prather. Is that your grandmother? A Yes, sir.
- Q Do you claim that your grandfather's name is in that list or your father's? A Why, I don't know whether it is or not.
- Q Here is Richard L. Prather, is that the name of your father?
- A Yes, sir.
- Q Now this record shows that these names were reported to this

Effie Denton - 3.

Department by the Court, but it does not clearly indicate what the decision of that Court was with respect to these names, whether it was favorable or unfavorable. It seems that the Cherokee law provided that the Court shall report to the Executive Department its decision upon all applicants for citizenship, whether favorable or unfavorable, and therefore the fact that these names have been reported to the Executive Department does not of itself carry an unfavorable conclusion, nor does it of itself carry an unfavorable conclusion. Now reference is made in this transcript to the report, as it is called, of the Court supplying these names to the Executive Office. Do I understand you as saying that the first transcript referred to, dated December 19, 1870, is all that is furnished relative to said report? A Yes, sir, that is all.

Q Now that report which you speak of contains only the name, as herein evidenced, of Caroline G. Prather; can you explain that discrepancy? A I don't know, sir, that is all that can be found.

Q Now Mrs. Denton, you hand me here another paper, a duly authenticated transcript from the records of the office of the Committee on Citizenship, Tahlequah, Cherokee Nation, June 27, 1887, page 245, showing proceedings dated June 27, 1887 and August 11, 1887, in regard to the Prather claim to citizenship. The case appears to have been continued until August 18, 1887, and appears to be a final hearing of the old and original case of December 19, 1870, to which reference is made in the first paper of these proceedings submitted. Now in this present decision of the Commission it is determined out of all that has preceded that R. A. Prather and Caroline Prather are duly entitled to citizenship. Now I observe in the evidence of December 19, 1870, that one Caroline G. Prather is spoken of as having been admitted at that time, and that of all the names given in the list heretofore referred to from the record of citizenship, only the name of Caroline G. Prather is included at this time. This appears to be conclusive as regards Caroline G. Prather, and perhaps also as regards R. A. Prather, though it does not appear where or when his name entered into the proceedings. Now that R. A. Prather was the husband, was he, of Caroline G. Prather? A Yes, sir.

Q And therefore he was your grandfather? A Yes, sir.

Q Was your father living in August, 1887? A Why, I don't know, it has been about 6 years since he died.

(The Cherokee Nation introduced in evidence the Act of its Council approved December 3, 1888, and found on page 125 of the First Annual Report of the Dawes Commission; and also an amendatory act to the same, approved November 17, 1870, which will be hereafter furnished.)

Q I understand you to say, Mrs. Denton, that neither your father nor your mother are upon the roll of 1880? A I don't know whether they are or not.

(Roll of 1880 examined, and their names not found thereon.)

Q How old was your father when he died? A I don't know how old he was.

Q Your father was living before 1870, was he? A Yes, sir, I think so.

Q You have a brother, I think you said, 20 years old? A No, sir, I have a sister 20 years old.

Q So he was living in 1870 and had acquired considerable age at the time the action was first had on your grandmother's application?

A Yes, sir.

Mrs. Denton, your application will be placed upon a doubtful card for further consideration by the Commission, and when a decision is finally arrived at, you will be informed at your present post office address of the result, and the decision, whether favorable or unfavorable, will finally be referred to the Honorable Secretary of the Interior for his approval.

Effie Denton - 3.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 6th day of August, 1900.

Clifton A. McGuire
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of
Eddie Denton et al., for enrollment as Cherokee citizens.

Appearances:

Jess W. Watts,allisaw, I.T., Attorney for applicants;
W.W.Hastings, attorney for Cherokee Nation.

BY MR. WATTS: Let the record show that the Cherokee Act
approved December 3, 1869, and the amendatory act approved
November 17, 1870, are to be filed, considered filed, and sup-
plied hereafter.

BY COMMISSION: The attorney for the applicants will be given
ten days in which to supply the acts referred to. Attorney
for the applicants will also be given ten days in which to
file brief, a copy with the Commission and a copy with the
representatives of the Cherokee Nation.

BY COMMISSION, of Mr. Watts:

Q Do you submit this case now to the Commission for final
consideration? A Yes sir.

M.D.Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of the stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 19, 1902.

[Signature]

Commissioner.

"R"

Cherokee D 79.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 20, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Effie Denton for the enrollment of herself and child as Cherokee citizens.

APPEARANCES:

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: W.W.Hastings, Representative of the Cherokee Nation, presents the following letter to the Commission, bearing date of February 19, 1902:

"Mr. W.W.Hastings,

Muskogee, Indian Territory.

Dear Sir:- After further considering the cases of Effie Denton and Artie Welch vs. Cherokee Nation, I shall not file briefs, but shall submit them as they now stand.

Very truly yours,

Jess W.Watts."

BY MR. HASTINGS: The Cherokee Nation desires to call attention of the Commission to the fact that Effie Denton claims that her father was Richard L. Prather, and the records show that Caroline Prather was admitted to citizenship in the Cherokee Nation in the year 1870, but that Richard L. Prather was not admitted at that time, and the certificate filed, signed by W.T.Boudinot, is an erroneous one, and does not properly represent the judgment of the court, because the judgment of the Court only states that Caroline Prather was admitted to citizenship in the Cherokee Nation.

The Cherokee Nation desires to further call the attention of the Commission to the fact that it is shown nowhere in the testimony that Richard L. Prather, the father of the applicant, was a minor at the time Caroline Prather was admitted in '70.

BY COMMISSION: The letter above quoted is filed in the application of Artie Welch, D 133.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green
Subscribed and sworn to before me this February 21, 1902.

[Signature]
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 14, 1900.

In the matter of the application of Luna Seabolt for the enrollment of himself and wife as Cherokees by blood; being sworn and examined by Commissioner Breckenridge, he testified as follows:

- Q What is your full name? A Luna Seabolt.
- Q What is your age? A 27.
- Q What is your post office? A Maple.
- Q What is your district? A Sequoyah.
- Q Whom do you want put on the rolls now? A Well myself, and my wife claims to be a Cherokee citizen, they will have to investigate her.
- Q Let me know who it is you want to apply for? A Myself and wife.
- Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
- Q Is your wife an indian or a white woman? A She claims to be an indian.
- Q There are no children you want to apply for? A No, sir.
- Q Are you on any of the rolls of the Cherokee Nation? A No, sir.
- Q Are you on the roll of 1880? A Yes, sir.
- Q How long have you lived in the Cherokee Nation? A 27 years; I was born and raised here.
- Q Have you lived in Sequoyah district all that time? A Yes, sir.
- Q What is your wife's name? A Georgia A. Seabolt.
- Q How old is your wife? A 21, she will be in October.
- Q What was her name before you married her? A Prather.
- Q That was her maiden name, was it? A Yes, sir.
- Q Is she on the roll of 1880? A I can't say.
- Q Is she on any of the rolls? A I think she is on the 1894 and 1896 roll.
- Q When were you married to her? A In 1897.
- Q What was her mother's name? A Bettie Prather.
- Q Is her mother living? A No, sir.
- Q How long has her mother been dead? A 2 years.
- Q Is her mother on the roll of 1880? A Yes, sir.
- Q Was she admitted to citizenship by the action of the tribal authorities? A No, sir, she was a white woman, it is on her father's side that she claims.
- Q Her mother was on the roll of 1896, was she? A I think not, they parted and her father enrolled her, my wife, in Tahlequah district.
- Q What is your wife's father's name? A Richard L. Prather.
- Q Is he living? A No, sir.
- Q How long has he been dead? A He has been dead I believe since 1895 or 1896, I am not certain.
- Q Is he on the roll of 1880? A I can't say, I don't think he is.
- Q None of you have ever been admitted to citizenship by the Dawes Commission, have you? A No, sir.
- Q Have you ever applied? A No, sir.
- Q Have you ever been admitted or rejected by the United States Court? A No, sir, not to my knowledge.
- Q Have any of you ever made application to the tribal authorities of the Cherokee Nation for citizenship? A Not to my knowledge, I don't know it if they ever did.
- Q Who was the mother of your wife's father? A I think her name was Caroline Prather.
- (Luna Seabolt on 1880 roll, page 721, No. 1222, Leony Seabolt, Sequoyah district.)
- Q Was your wife in Sequoyah in 1880? A No, sir, she was in Arkansas.
- Q Was she in Sequoyah district in 1894? A No, sir, ~~Tahlequah~~ in Delaware district.
- (Georgia A. Prather on 1894 roll, page 448, No. 2216, Georgia A. Prather, Delaware district. Luna Seabolt on 1896 roll, page 1098,

Luna Seabolt - 2.

No. 1284, Looney Seabolt, Sequoyah district. Georgia A. Seabolt on 1896 roll, page 514, No. 2350, Georgia Prather, Delaware district.)

Q Was her mother in the Cherokee Nation in 1880? A No, sir, in Arkansas.

Q Was she here in the Nation in 1880? A No, out in the state. (1894 roll, page 445, No. 2205, Richard Prather, Delaware district. The name of Richard L. Prather also on 1896 roll.)

Mr. W. T. Hutchings, attorney for Cherokee Nation: Your wife is the daughter of Richard L. Prather, is she not? A Yes, sir.

Q He was the son of Caroline Prather, was he not? A Yes, sir.

Q Caroline Prather was admitted to citizenship by the Supreme Court of the Cherokee Nation in 1870, was she not? A Well, I reckon so.

Q And no other member of the Prather family was admitted? A I can't say, I don't know.

Q How do you claim citizenship for your wife then? A On her father's side, she claims she is a Cherokee by blood.

Q Your wife's father wasn't born in the Cherokee Nation, was he? A I can't say, I think that he was.

Q He was born long prior to 1870 wasn't he? A I guess so.

Commissioner Breckenridge? A Mr. Seabolt, I understand you to say that your wife's grandmother, that is to say, the mother of your wife's father, was admitted to citizenship along in the seventies under the name of Caroline Prather: is that right? A To the best of my knowledge, that is my understanding.

Q Now you don't claim that your wife's father, Richard L. Prather, was admitted by the judicial proceedings at that time? A No, sir, I don't know it, I don't claim it.

Q He was living at that time? A Yes, sir.

Q He must have been, as your wife is 20 years old or such a matter and that action was in the seventies, and Richard L. Prather is your wife's father? A Yes, sir.

Q Now Caroline Prather, it seems, has been omitted from the roll of 1880 because of a dispute that was going on in regard to the decision by which she had been admitted, but at a subsequent date it was determined by the Cherokee authorities that the decision in her case should be permitted to stand; that is the state of facts, is it not?

A I guess so, I don't know in regard to the application for the enrollment of Georgia A. Seabolt.

In this application for the enrollment of Georgia A. Seabolt, nee Prather, it is understood that her grandmother on her father's side, Caroline Prather, was admitted to citizenship by the Cherokee authorities along in the seventies. It is not shown that any of the family of Caroline Prather were admitted at that time or at any subsequent time by the Cherokee authorities, at least none of her family who were then living. This applies to the father of this woman, Richard L. Prather. Now Richard L. Prather, now dead, is found upon the roll of 1894, and his daughter, now Georgia A. Seabolt, the present applicant, is found upon the roll of 1894 and 1896, but her claim is no stronger than the claim of her father, through whom she claims, and it is not shown in any form at any time where he acquired the right to enrollment, and he is not upon the roll of 1880. Neither is her mother upon the roll of 1880; neither is this claimant on the roll of 1880, though her age as given by her husband is 21 years. Now the application of Georgia A. Seabolt will be placed upon a doubtful card to await some evidence to the effect that her father was at some time lawfully admitted by the Cherokee authorities to Cherokee citizenship.

Now as for the application of Luna Seabolt for himself, he is identified upon the roll of 1880 as a Cherokee by blood, he is also

Luna Seabolt.

identified upon the roll of 1898, he has lived in the Cherokee Nation all his life, and he will be enrolled now as a Cherokee by blood.

-----o-----
Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 20th day of August, 1900.

W. A. R. [Signature]
Commissioner.

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ACTING CHAIRMAN

1888, he submitted his application for a plot. In 1888, he had a plot of 100 acres in the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 18, 1902.

In the matter of the application of Georgia A. Seabolt for the enrollment of herself and child as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 4, 1902, that her case would be taken up for final consideration by the Commission on the 18th instant, and that she would on said date be permitted to appear before the Commission and introduce any additional testimony affecting her application. Receipt has been acknowledged of the Commission's letter of notification. The applicant has been called three times and fails to respond either in person or by attorney, and the case is closed.



Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., March 12, 1903.

In the matter of the application of GEORGIA A. SEABOLT, for the enrollment of herself and her son SAM H. SEABOLT, as citizens by blood of the Cherokee Nation:

Appearances:

D. H. Wilson, of Vinita, I. T., for applicant;
W. W. Hastings, Esq., for Cherokee Nation.

JESS PRATHER, being first duly sworn, and examined, testified as follows:

Examined by Mr. Wilson:

- Q What is your name ? A Jess Prather.
Q What is your age ? A Twenty one.
Q What is your post office ? A Grove.
Q What relation are you to Georgia Seabolt ? A Brother.
Q Where does Georgia Seabolt reside ? A About four miles from Muldrow, Indian Territory.
Q How long has she lived there ? A She has lived there since 1897, I believe.
Q How long has she lived in the Indian Territory ?
A Well I can't say that, for I don't remember exactly how long.
Q Approximately ? A She came here in 1880.

By Mr. Hastings: In the year 1880 ?

A No, I mean in the eighties.

By Mr. Wilson:

- Q Has she lived here continuously since that time ?
A Yes sir.
Q What was her maiden name ? A Georgia Prather.
Q Was she living in the Indian Territory, and in the Cherokee Nation, in June, 1898 ? A Yes sir.
Q And has she lived here and resided here continuously since that time ? A Yes sir.

By Mr. Hastings:

- Q She is a full sister of yours ? A Yes sir.
Q What was your mother's name ? A Ford.
Q Where were you born ? A They told me I was born in Arkansas.
Q Do you remember your residence in Arkansas ?
A Yes sir.
Q Was your sister Georgia Seabolt born there also ?
A Yes sir.
Q Did you and she come to the Indian Territory together ?
A No sir.
Q Which came first ? A She came before I did.
Q Now about how old was she when she came here ?
A I don't know exactly, she is--
Q Is she older or younger than you ?
A She is about two years older than I am.
Q You are certain she came here before 1890 ?
A Yes sir, I came here in 1889, and she came a year before I did, about a year.
Q Then she has been living here ever since 1888 ? A Yes sir.

Q Have you lived here continuously since 1889 ?

A I have with the exception of a few months I went to school in Arkansas.

Q What place ? A In Franklin County.

Q Your old home place ? A Yes sir.

Q When did you quit going to school, or have you quit yet ?

A Yes sir, I didn't go to school down there but about four months in 1898.

Q What four months were these ? A I don't remember, I believe it was in the fall of, lets see, I don't remember just the year it was.

Q When did your mother die ? A In 1898, she died this side of Sallisaw, close to where my sister now lives.

Q When did your mother move up here in the Indian Territory ?

A I don't know that, I was up here all the time and she was down there. I don't know when they moved up here.

Q Your mother moved up here after you came ?

A Yes sir, all I know she was here in 1896, that was the year I went down there.

Q Did you live down there a while ? A Yes sir, I went there in 1896, and didn't come back here until 1899.

Q Down in Sequoyah district ? A Yes sir.

Q Who was your guardian down there ?

A My mother was my guardian until she died in 1898, in August, 1898.

Q Had she been married after her separation from your father ?

A Yes sir.

Q What was her name when she died ? A Kinzie.

by the Commission:

Q Who are you claiming citizenship through, your father ?

A Yes sir.

Q Richard L. Prather ? A Yes sir.

Q Was he admitted to citizenship ? A Yes sir, I suppose he was.

Q That was before you came to the Cherokee Nation was it ?

A Yes sir, they claimed it was in 1871.

Q That was before you were born ?

A Yes sir, that was before I was born.

Q Well, where was your father when you came to the Nation first ?

A He lived on Cowskin prairie out here.

Q He was here already ? A Yes sir.

Q Who had you been staying with in Arkansas ? A My mother.

Q What was her name ? A Pettie Ford.

Q That was your sister's mother too, Georgia ? A Yes sir.

Q Your father and mother were separated then at the time you came to the Cherokee Nation ? A Why yes, my mother got a divorce from him.

Q Were they divorced at the time you came here ?

A Yes sir, I reckon they was, they didn't live together.

Q You say your sister Georgia came alone before you did ?

A Yes sir, my father brought her here before he did me.

Q Was she living with your father ? A Yes sir.

Q And you came to your father's when you came to the Nation ?

A Yes sir, and lived here in town.

Q How long since your father died ? A He died in January, 1895. The 10th day of January.

Q Did you live with him ? A Yes sir.

Q Up to the time he died ? A Yes sir.

Q Did your sister Georgia ? A Yes sir.

Q Did your father live continuously in the Cherokee Nation after you came here until he died ? A Yes sir, with the exception of a few months, I think he did, he lived at Southwest City, we was going to school there.

Q But from 1888 up to 1895, with the exception of that few months, your father lived continuously in the Cherokee Nation ?

A With the exception of a few months he did, yes sir.

Q With that exception ? A Yes sir.

Q How long had he been in the Cherokee Nation when you came ?

A I suppose he had been here all the time.

Q What do you mean by all the time, when did he come here first ?

A I don't know that

Q You don't know how long he had been in the Nation when you came ? A When they said he was admitted, in 1871.

Q When was your sister married ? A Georgia ?

A Yes. A She was married in 1897, I think, 1897 or 1898.

Q Who did she live with between the death of your father and the time she married ? A She lived with my mother.

Q In the Cherokee Nation ? A Yes sir.

Q Her husband is a Cherokee by blood ? A A half breed.

Q Have they been living in the Cherokee Nation since they were married ? A Yes sir.

Q So that your sister has resided continuously in the Cherokee Nation since she came here from Arkansas in 1889 ?

A Yes sir.

Q She just has one child ? A Yessir.

E. C. Baywell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this May 26, 1903.

Lammie Foreman

Notary Public.

C O P Y .

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, Indian Territory, October 3, 1900.

In the matter of the application of Caroline C. Prather and her husband for enrollment as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Caroline C. Prather.
Q How old are you? A Sixty-eight.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Delaware.
Q Are you a citizen by blood? A Yes sir.
Q Do you want to enroll anyone but yourself? A Yes sir, my husband.
Q Is he not here? A No sir, he is sick in bed.
Q What is his name? A Robert A. Prather.
Q White man? A Yes sir.
Q How long have you been married to him? A Thirty-three or thirty-four years.
Q How old is your husband? A He is seventy-three. Will be next May (1896 roll, page 517, #2416, Edath C. Prather, Delaware Dist.) (1896 Roll, page 585, #420, Robert A. Prather, Delaware Dist.)
Q How long have you lived in the Cherokee nation? A About thirty five years.
Q Right along; continuously? A Yes sir, never lived out.

The applicant presents a certified copy, issued from the Executive Department of the Cherokee Nation, July 13th, 1886, said certificate being signed by W. P. Boudenot, Executive Secretary, under the seal of the Nation, certifying that Caroline C. Prather and family were admitted to citizenship. Afterwards a certified is presented, certifying that the said Caroline C. Prather and family were summoned to appear before the Commission to try and determine applications for citizenship and show cause why their admission was not obtained by fraud. Said applicants did appear before the Commission on the 27th of June, 1887; the case was investigated and the following verdict was rendered: "We, the Commission on Citizenship fail to find that fraud or bribery has been resorted to by the said Prathers in obtaining their citizenship in the Cherokee nation on December 19th, 1870. We find for the defendants in this case." Signed by J. T. Adair, Chairman, D. W. Lipe and H. C. Barnes, Commissioners, certified to by William M. Gulliger, Assistant Executive Secretary, under the seal of the nation.

It appears that because said charge of fraud, the names of the applicants were not placed on the authenticated roll of 1880. Their names are found upon the census roll of 1896 according to the page and number of the rolls as indicated in the testimony. The applicant avers under oath that she was married to one Robert A. Prather about the year 1873, according to the laws of the Cherokee Nation, and that she has lived with him continuously ever since. Proof being satisfactory as to the citizenship of the said Caroline C. Prather and Robert A. Prather, her husband, she will be duly listed for enrollment as a Cherokee citizen by blood, and the said Robert A. Prather as a citizen by intermarriage.

C.D.#16-2

The undersigned being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) A.R.Gravens.

Sworn to and subscribed before me this 7th day of October,
1900.

(signed) C. K. Breckinridge.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson

Subscribed and sworn to before me this October 11th, 1901.

(signed) T. B. Needles.

Commissioner.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., October 3, 1902.

In the matter of the application of Robert A. Prather for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Caroline C. Prather, as a citizen by blood of the Cherokee nation.

Preston S. Davis, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Preston S. Davis.
- Q What is your age? A Thirty-two years old this coming November.
- Q Are you acquainted with Robert A. Prather? A Yes sir.
- Q How long have you known him? A I have known him since 1883.
- Q What is his wife's name? A Caroline.
- Q Has Robert Prather and his wife Catherine, lived together all the time since you have known them as husband and wife? A Yes sir, both living and living together now as husband and wife.
- Q Living together on the first day of September, 1902? A Yes sir.
- Q Never have separated? A No sir, never have separated.
- Q Do you know whether Robert A. Prather was married to his wife Catherine C., under a Cherokee license? A He was, and applied to the Cherokee Citizenship Commission and was duly admitted before that Commission and the record of the same is on file in his application before the Commission.
- Q Has his marriage license been filed? A Yes sir, and also has his admission to citizenship before the Cherokee Commission been filed.
- Q Where has Robert A. Prather and his wife Catherine C. lived for the last eight years? A Vinita.
- Q Cherokee Nation? A Yes sir, living there now.
- Q Is there any other statement you wish to make? A No sir, I believe not.

The undersigned being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rotherberger.

Subscribed and sworn to before me this 4th day of October, 1902.

(Signed) E. C. Jones,
Notary Public.

(SEAL).

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.
Muskogee, I.T., October 30, 1902.

In the matter of the application of Robert A. Prather for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Caroline C. Prather, as a citizen by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

L. S. Robinson, being sworn, testified as follows:

By the Commission:

- Q What is your name? A Robinson; L. S. Robinson.
Q How old are you? A I am fifty-one years old.
Q What is your postoffice address? A Big Cabin.
Q You appear for the purpose of giving some testimony in the matter of the application of Robert A. Prather and his wife? A I suppose just himself.
Q Well, it is both of them. The matter of his application for both?
A Yes sir.
Q What is the reason Robert A. Prather is not before the Commission?
A Dr. Clinkscales says an abscess on his lungs.
Q Is Dr. Clinkscales the attending physician? A Yes sir.
Q Is Mr. Prather confined to the house? A Nearly all the time.
Q Is he a very old man? A Yes sir, close to eighty years old, I think. He is between seventy-five and eighty.
Q How long have you known Robert A. Prather? A Well, I guess I have known him for eight years.
Q Eight years? A Yes sir, I married his daughter seven years ago.
Q Known him since then? A Yes sir.
Q Has Robert A. Prather and his wife Caroline, lived together since you have known them as husband and wife? A Yes sir.
Q They never have been separated? A No sir.
Q They were living together as husband and wife on the first day of September, 1902? A Yes sir.
Q And both living at this time? A Yes sir.
Q Have they lived in the Cherokee nation for the last eight years?
A I expect for the last forty.
Q Well, so far as you know? A Yes sir.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

(signed) Retta Chick.

Subscribed and sworn to before me this 9th day of December, 1902.

(signed) P. G. Reuter,

Notary Public.

(SEAL).

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Fairland, I. T., July 11, 1900.

In the matter of the application of Lenora Prather et
als., for enrollment as citizens of the Cherokee Nation, said Prather
being sworn by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Lenora Prather.
Q Your age, please? A 32.
Q Your postoffice address? A Grove.
Q What is your district? A Delaware.
Q Is that your permanent home? A Yes.
Q How long have you lived there? A Since January.
Q Where did you live before that? A Cowskin prairie.
Q How long did you live there? Part of the time for the past three
years.
Q Where were you born? A In Arkansas.
Q When did you move to the Territory? A About three years ago. This
is my home, but I don't stay there all the time.
Q You do not stay in Arkansas all the time? A On Cowskin prairie.
Q How long have you been identified with this Indian Territory?
A I married in '92.
Q Do you claim as a Cherokee by blood? A No sir.
Q You married a Cherokee? A Yes.
Q When did you marry? A In '92.
Q Is your husband living? A No sir.
Q Have you your certificate of marriage? A No sir.
Q What proof have you here to make claim for citizenship? A There
are parties here that can identify me.
Q Are you on any of the rolls of the Cherokee Nation? A I am on
the 1896 roll.
Q Married in '92? A Yes.
Q You haven't got your certificate of marriage? A No sir.
Q Your husband is dead? A Yes.
Q Where have you lived since '92? A Part of the time I lived in
Missouri.
Q When did your husband die? A In January, 1895.
Q Where did you live between '92 and '95? A Part of the time on
Cowskin prairie and part of the time in Missouri.
Q Where did you live the greater part of the time? A Cowskin
Prairie.
Q Your husband died in January, 1895? A Yes.
Q Where have you lived since then? A On Cowskin prairie most of the
time.
She is identified on the roll of '96 as Leona Prather, aged
at that time 28 years, page 585, number 418.
Q What was your husband named? A Richard L. Prather.
Q You say he was a Cherokee? A Yes.
Q Was your husband on the roll of 1880? A I suppose so.
Q What evidence have you that your husband was a citizen of the
Cherokee nation? A He has been a citizen for the last 25 years
or near abouts.
Q Have you any certificate of adoption? A No sir, I suppose his
father has.
Q Where is his father? A In Vinita, Robert Prather.
Q Where did he (her husband) die? A Southwest City Mo. He was
killed there.
Q Is your husband's father still living? A Yes, he is living in
Vinita.
Q What is the name of your husband's father? A Robert Prather.
Q Is there any Richard L. Prather, Sr.? A Yes.

Q Was your husband known as Richard L. Prather Sr., or Jr? A Sr., he was 44 years old.

Q Have you any children? A Yes, two.
There is a Richard L. Prather, Jr., recorded on the roll of '94, page 445 number 2210.

Q You understand that to be your husband or your son? A My step-son.

Q You do not recognize that as the entry of your husband's name; but the entry of your ~~son~~ step-son? A Yes.

Q Your husband's name was Richard L. Prather? A Yes.

Q Do you know of any other Richard L. Prather except your husband and son? A No sir.

Q There were two Richard Prathers shown on the roll of '94, one is Richard Prather and the other is Richard L. Prather, Jr.? A Richard Prather is my husband.

Q You claim that Richard Prather is the enrollment of your husband. There is one Richard L. Prather Jr., you have to claim one of these as your husband? A I claim Richard Prather is my husband.

Q Do you know ~~any~~ other Richard Prather besides these two? A No sir

Q One of whom you think is your husband and the other your step-son?

A Yes.

By Mr. Hastings, Cherokee attorney:

Q Robert L. Prather married prior to your marriage to him? A Yes.

Q To whom do you know? A He married Miss Rogers first.

Q What became of Miss Rogers? A She died.

Q He married the second time? A Yes.

Q Whom? A Miss Carr.

Q Where is his second wife? A She is living--she is Mrs. Weir.

Q When did he separate from his second wife? A I don't know--it has been about 11 or 12 years ago.

Q Had he separated from his second wife at the time you married him?

A Certainly.

Q How long before your marriage had he separated from his second wife? A About eight years I suppose.

Q Had he ever secured a divorce from his second wife prior to your marriage? A Yes.

Q When was that divorce granted, if you know? A I don't remember; it was in Vinita.

Q Do you know whether or not he lived with her after this divorce was granted? A No sir, he did not.

Q Do you know where that divorce was obtained? A Vinita.

Q Before what court? A No sir, I don't know. It must have been before Mr. Hookey Bell at Vinita.

Q There was no court there? A It might not have been at Vinita then. I don't know much about that part of it.

By the Commission.

Q How do you know he obtained a divorce? A He told me so.

Q You did not see the divorce? A No sir, I did not see it. She married about the same time he did.

Q Did you know her? A Yes.

Q Do you know her to be married? A Yes, she has three children.

Q You just have full confidence and belief in the divorce, you have no legal evidence of it? A No sir, I have no legal evidence of it.

Q Cannot you secure a copy of the decree of divorce? A I suppose I can.

Q And a copy of your marriage license and certificate? A Yes, I think so.

Q When was your marriage license issued and that of your husband?

A Claremore in '92.

- Q Did your husband claim to be a Cherokee by blood? A Yes sir.
- Q What was his father's name? A Robert Prather.
- Q Is he on the roll of 1880? A I supposed they were all on the roll.
- Q How long did you live in Southwest City, Mo.? A I didn't live there very much--my home was on Cowskin prairie.
- Q How long have you been living in Southwest City, Mo.? A About a year.
- Q Where did you marry? A Claremore.
- Q How long did you live in Claremore after you married? A I went straight home.
- Q Where was your home then? A Southwest City, Mo.
- Q And you lived there how long? A A little while and then I went to Cowskin prairie to the farm.
- Q Where were you living at the time your husband was killed? A Southwest City, Mo.
- Q And have lived there continuously since then? A No sir, I have lived on Cowskin prairie half of the time.
- Q When did you move the last time back to the Cherokee nation?
- A January, 1900.
- Q Immediately before January, 1900, how long had you lived in Southwest City? A About a year.
- Q So you moved backwards and forwards from the farm to Southwest City? Do you know where you were living in '98, three years ago?
- A I guess I was at the farm on Cowskin prairie.
- Q Did your husband have a home in Missouri? A Yes, he had a house and lot.
- Q You were married in what year? A '92.
- Q You and he lived mostly in Missouri after your marriage? A No sir, we staid in Missouri awhile and on the farm awhile.
- Q Have you any property in Missouri? A No sir.
- Q Is all your property in this Territory and in this District?
- A Yes, I have a house and lot in Grove.
- Q Have you any home outside of the Territory? A No sir.
- Q Have you had for the last 5, 6 or 7 years? A I don't call it home.
- Q How far is Southwest City from the Territory line? A Between 7 and 8 miles.
- Q And how far from the farm? A Between 7 and 8 miles.
- Q Mrs Prather, have you any children? A Two.
- Q And you want to apply for them? A Yes.
- Q What ages are these children? A Between 5 and 6
- Q Please give their names now, the eldest first? A Sam Houston, past 6 years old.
- (This child is identified on the roll of 1896 as Samuel H. Prather, page 514, number 2348. This child is also identified on the roll of 1894, page 445, number 2211)
- Q Your next child? A Maggie, 5 years old.
- (This child is recognized on the '96 roll page 514, number 2349).

This case will be put upon the doubtful list, and Mrs. Prather you need, as far as we are prepared to speak at this time, to get evidence, first of the divorce of your husband from his former wife. You can doubtless find where that divorce was granted and get a certified copy of the decree. When you get that certified copy of the decree you should forward it to this Commission through the mail at Muskogee, I.T. Then you need to make inquiry as to when and how your husband became a citizen of the Cherokee nation. There seems to be an impression that he received a certificate of citizenship from the Cherokee council. Your husband's father is living and you can doubtless learn how he ac-

quired his citizenship. And you need then to furnish the Commission with an official copy of whatever evidence exists of that character. It seems to be quite well set forth that your property is in this nation and that your home has been simply across the line, that you go back and forth as is frequently the case, and your husband being upon the record to the extent that he is gives the Commission jurisdiction, but it does not decide the matter necessarily in his favor; you need, therefore, to give us evidence of his citizenship and evidence of his divorce, which is necessary to legalize, for purposes here considered, the marriage which took place.

(signed) Brown McDonald.

Brown McDonald, being sworn by Commissioner Breckinridge, says as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Sworn to and subscribed before me this 12th day of July, 1900, at Fairland, I. T.

(Signed) Clifton R. Breckinridge.
Commissioner.

Supl.-C.D./16.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Vinita, I. T., October 8th, 1901.

SUPPLEMENTAL ORDER in the matter of the enrollment of Lenora Prather et al., as Cherokee citizens.

A p p e a r a n c e s :

Mr. P. C. Davis, Attorney for applicants.

Mr. W. W. Hastings, Attorney for Cherokee nation.

Commissioner Needles: Applicant by Mr. Davis, Attorney, comes and files proof of divorce between Hattie A. Prather and Richard L. Prather, and asks that reference be made to the testimony taken in the matter of the application of Robert A. Prather et al, on straight card #4014, as to the citizenship of Richard L. Prather.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 8th,
1901.

(Signed) T. B. Needles,

Commissioner.

TESTIMONY ON PART OF THE APPLICANT:

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Vinita, I. T., Oct. 9, 1901.

In the matter of the application of Lenora Prather et al,
for enrollment as Cherokee Freedmen.

A p p e a r a n c e s :

Preston S. Davis, Attorney for Applicant,
J. L. Baugh, of Representatives for Cherokee Nation.

Lenora Prather, being sworn by Commissioner Needles,
testified as follows:

By Mr. Davis:

- Q What is your name? A Lenora Prather.
Q What is your age? A 33.
Q Your postoffice address? A Grove, Indian Territory.
Q The district in which you live? A Delaware.
Q What is your husband's name? A Richard L. Prather.
Q What was his father's name? A Robert A. Prather.
Q What was his mother's name? A Caroline Prather.
Q Where were you married to your husband? A Claremore..
Q When? A November 20th, 1892.
Q Did he procure a license for this marriage? A Yes sir.
Q Where? A Claremore.
Q From whom? A The clerk, Joe Lanay.
Q Clerk of what district? A Cooweescoowee.
Q Did you ever see this license? A Yes sir.
Q Were they in the possession of your husband after your marriage?
A Yes sir.
Q Were you ever able to find them after his death? A No sir.
Q Have you had any search made of the marriage records of Coowee-
scoowee district of late to find these, that record? A Yes sir.
Q Were you able to find it? A No sir.
Q Did you ever read those license? A I have.
Q You have read it? A Yes sir.
Q And you said that he had the license in his possession? A Yes sir
Q You were married in Claremore? A Yes sir.
Q You remember anyone that was present at that marriage? A My pa-
rents.
Q What is your father's name? A N. S. Jackson.
Q What is your mother's name? A M. S. Jackson.
Q Your father N. S. and your mother M. S.? A Yes sir.
Q Where do they live now? A In Texas.
Q You know what county? A Stonewall I think that is it, I don't
just remember.
Q Are they old people? A Yes sir.
Q I wish you would examine this? (Hands applicant paper).
Q What are those papers? A Affidavits.
Q Affidavit of your father and of your mother, in regard to this
marriage? A Yes sir.
Mr. Davis: We would like to offer these if your Honor please,
these people are old and live down in the state of Texas.
They seem to be in proper form.
Mr. Baugh: We will have to object to the accepting of
affidavits.

Lenora Prather et al 2.

Comm'r Needles: As I have told you Mr. Davis, it is not the custom or the rules of the Commission, to accept affidavits at this time, and their acceptance is objected to by the representative of the Cherokee nation. I think the marriage--

Mr. Davis: I simply offered them for what they are worth. The people are old; they seem to be in very moderate circumstances. I shall follow it up with the proof of common law marriage. She was married at home and it was a quiet wedding.
Com'r Needles: Affidavits will be filed for what they are worth, but the Commission will not accept them at this time as testimony.

By Mr. Davis:

Q You were married under these license that your husband procured at Claremore? A Yes sir.

Q At whose home were you married? A My father's.

Q Your father's home? A Yes sir.

Commissioner Needles: This testimony will be filed with the papers in the case.

M. D. Green, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he corrected recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this October 10th, 1901.

(Signed) T. B. Needles,
Commissioner.

Supl- C.-D.#16.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Vinita, I. T., October 16th, 1901.

Supplemental Testimony in the matter of the enrollment of
Lenora Prather et al., as Cherokee citizens, introduced on part of ap-
plicants.

A p p e a r a n c e s .

Mr. P. S. Davis, Attorney for applicant.

Mr. J. L. Baugh, of counsel for Cherokee nation.

Robert A. Prather being sworn by Commissioner Needles,
testified as follows on part of the applicants:

Mr. Davis:

Q State your name to the Court? A Robert A. Prather.

Q How old are you Mr. Prather? A I will be 76 in May

Q Are you the applicant in case No. 4014, Robert A. Prather, et al?

A I reckon I am.

Q That is the number of the case, No. 4014, you are the applicant
there? A Yes sir.

Q What is the name of your wife? A Caroline Prather.

Q I will ask you if you and your wife Caroline Prather, had a son by
the name of Richard L. Prather? A Yes sir, Richard Lewis Prather.

Q At the time of the death of your son, Richard L. Prather, was he
married to a woman named Lenora Prather, and living with her?

A I didn't see them married, but they was living, he was living with
a woman, Lenora, she was considered his wife. They was married I think
at Claremore.

Q Mr. Prather, in your case, No. 4014, you offered as exhibits to
the Commission certain citizenship papers issued to you and your
wife in '86 and in 1870; I will ask you if at the time you and your
wife were admitted to citizenship, Richard L. Prather was admitted
and included in these same papers? A Yes sir, his name was on the
papers.

Q I will ask you if you ever turned over to me as attorney for Lenora
Prather these same original papers that were offered as exhibits in
your case, No. 4014? A I suppose I never turned over but one batch
to you.

Q They are the same papers you turned over to me? A I suppose they are

Q You say that Caroline C. Prather is the mother of Richard L. Prather?

A Yes sir.

Q And you are the father of Richard L. Prather? A Yes sir, we raised
him.

Q You raised him as your son? A Yes sir.

Mr. Baugh: Why, Mr. Prather, were your folks admitted in '86?

A Well, we passed through that; there was a re-examination called and
we passed through successfully as I know.

Q You were admitted in '70? A We was admitted by the Daniels court
in '71.

Q Your wife was the only one that was admitted at that time? A I guess
so, I wasn't there.

Q Now, then, isn't it a fact you were accused back in 1886, before the
Commission Court, and that the Cherokee nation alleged fraud had
been practiced in your case, in 1870, in the case of your wife?

A Yes sir.

Q In the examination of that case and the findings of the court, wasn't
it this, that they found that no fraud had been practiced in the
admission of the person who was admitted, that was your wife?

2-C.D. #16.

Mr. Davis: I object to this question for the reason that it is incompetent, immaterial and irrelevant, that these papers are the best evidence, certified copies of which is filed in case D # 16, they show what was done.

Commissioner: Objection will be noted, and witness answer.
Mr. Baugh:

The Cherokee Nation proposes to make that as a foundation and to show that the persons that were placed on the certificate at the time were placed there without authority, or without authority of the Court itself.

Q Is that a fact? A I son't know.

Q Well, the case was simply tried upon the question of fraud itself in the admission of your wife, wasn't it? A I don't know, the papers are here.

Q Did you go with your wife and them to make ~~xxxxxxx~~ a new application for citizenship in 1886? A I don't think that I did, I might but I don't recollect it.

Pretston S. Davis, being duly sworn by Commissioner Needles testified as follows in behalf of the applicants.

Mr. Davis: I desire to state that the papers mentioned in the testimony in case #4014, Robert A. Prather et al, the originals were turned over to me as attorney for Lenora Prather, the wife of Richard L. Prather, and certified copies ~~xxxxxxxxxxxx~~ of the same were made by me, that same certified copies of said papers, certified to by me as a Notary Public, are now on file in case D #16; and that said papers show upon their face that Richard L. Prather was admitted at the time his mother, Caroline C. Prather, was admitted to citizenship in the Cherokee nation; that those certified copies are correct and were duly compared by me in all respects with the original papers here filed by me as attorney for the applicant.

Com'r Needles: Where are the original papers? A Mr. Prather has them.

Com'r Needles: The testimony taken will be made a part of the record in the case at bar, and upon the request of the attorney for the Cherokee nation will be made part of the record in the case of Robert A. Prather et al., No. 4014.

Mr. Davis: I desire to introduce in evidence that portion of the amendments of the Constitution of the Cherokee Nation relating to citizenship in said nation by intermarriage, as found at the beginning of the compilation of the Cherokee laws of 1892, and is Amendment of Article Three, Section Five, pages 33 and 34, compiled laws of the Cherokee Nation, edition of 1892.

Com'r Needles: It will be done.

J. G. Hosson, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. G. Hosson.

Subscribed and sworn to before me this October 21st, 1901.

(Signed) C. S. Needles,

Commissioner.

Supl. C.-d. #16.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., October 26th, 1901.

Supplemental proceedings in the matter of the enrollment of
Lenora Prather, et al., as Cherokee citizens.

A p p e a r a n c e s :
Mr. P. S. Davis, Attorney for applicants.
Mr. W. W. Hastings, for Cherokee nation.

Mr. Davis: I applicants offers in evidence Section 5 of the
Amendments to article 3 of the Cherokee Constitution, approved
in general convention of the Cherokee people held at Tahle-
quah on the 28th day of November, 1866, as found on page
33-4 of the compiled laws of the Cherokee nation, edition of
1892.

Also Article 16 entitled "Intermarriage of white men and
foreigners" Section 659 to 669 inclusive, pages 329 to 334
inclusive, compiled laws of the Cherokee nation, edition
of 1892.

I also desire to offer in evidence the affidavit of
William P. Mayes tending to show a common law marriage be-
tween the applicant, Lenora Prather and her husband, Rich-
ard L. Prather, deceased.

Com'r Needles of Mr. Davis: Is William P. Mayes living?
Mr. Davis: Yes sir.

Com'r Needles: The introduction of the affidavit is refused
for the reason that William P. Mayes is living and no reason
is shown why the witnesses cannot appear in person.

Mr. Davis: We except the ruling on the ground that we can't
get witnesses to come here, but can get their affidavit.

Mr. Hastings of Mr. Davis: Wasn't William P. Mayes in town yesterday?
Mr. Davis: I don't know.

J. O. Rosson, being first duly sworn, states that as sten-
ographer to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic notes
thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 28th, 1901.
(Signed) T. B. Needles.

Commissioner.

Supplemental, Cherokee, D-16

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., October 31, 1901.

In the matter of the application of Lenora Prather, et al, for enrollment as Cherokee citizens.

A p p e a r a n c e s :
Freston S. Davis, attorney for applicant.
J. S. Davenport, attorney for Cherokee nation.

Commissioner Breckinridge. In the case of Lenora Prather et al, Cherokee D. 16, the attorney presents a duly authenticated copy of the record as appears on page 12, Citizenship record, of the Cherokee nation, said copy being signed by J. T. Parks, Executive Secretary, under the seal of the nation, to the following effect:

Cherokee Nation,

vs

R. A. Prather, and family.

Charged with obtaining citizenship in the Cherokee Nation through fraud and bribery. Whites and Indians admitted to Cherokee rights.

From said original records given the name of Caroline C. Prather, Cherokee by blood, and children, to-wit' Richard T. Prather, Margaret J., Robert T., Harriet L., Samuel A. Thomas W. and George E.

The document further says:

I hereby certify that the above list of names of the Prather family is true and correctly copied from the official report made to this Department on June 21, 1871, by the Supreme Court acting as a Court of Commission by authority of an act of the National Council Approved December 3, 1869, empowering said court of Commission to try certain claims of Cherokee citizenship and to finally decide the same, and to make report of their decisions to this Department as the said report is of record in this Department.

In Witness whereof, I hereunto set my hand and affix the Seal of the Cherokee Nation, on this 26th day of November, A. D., 1886.

(Signed) W. P. Boudinot,
Executive Secretary, C.N.

The document giving the foregoing as of the official record of the Cherokee nation is dated, Executive Department Cherokee Nation August 28, 1900, Tahlequah, I. T., and is as follows:

I hereby certify that the foregoing is a true and correct copy of the record on file in this office as appears on page 12, Citizenship record.

(Signed) J. T. Parks,
Executive Secretary, C.N.

Seal of the Nation attached.

Supplemental Cherokee D-16.

There is also presented the following:

Executive Department, Cherokee Nation,
Tahlequah, I. T., September 28, 1900.

I, A. B. Cunningham, Assistant Executive Secretary of the Cherokee Nation, hereby certify that the records of this office show that the Supreme Court of the Cherokee Nation, sitting as a Court of Commission, in the year 1870, December 19th, did try and decide the rights of persons returned on the census rolls whose rights to citizenship were doubtful, was composed of Chief Justice R. B. Daniel, Judge John S. Vann and Redbird Sixkiller, and W. H. Turner as clerk.

In testimony whereof, I breunto set my hand and affix the Seal of the Cherokee nation this the 28th day of December, 1900.

(Signed) A. B. Cunningham.
Assistant Executive Secretary.

Seal of the nation affixed.

It being desired by the attorney to use these papers in other case the foregoing citation is made as adequate evidence of what is set forth.

By Mr. Davis: Applicant offers in evidence the act of the National Council of the Cherokee Nation, approved December 3, 1869, empowering the Supreme Court of said Nation to try certain claims to Cherokee citizenship, and finally decide the same and make report of their decisions to the Executive Department of the Cherokee nation, as mentioned and set forth in the above certified copy.

Mr. Davenport: The representatives of the Cherokee nation object to the citation and pretended offer of an act unless the act is presented.

Con'r Breckinridge: The act referred to is not presented at this time, and what has been stated is simply accepted as reference to that act for consultation in case it may be found to exist and according to its terms.

Mr. Davenport: We object to the introduction of the certified copy from the Cherokee nation, for the reason that it does not purport to be the original act under which Caroline Prather was admitted, and the additional reasons that opening up the case did not give the Commission the right to admit any additional, but to investigate the question as to whether there was any fraud in the original admission.

Commissioner Breckinridge: Objection will be noted for the further consideration of the Commission.

Commissioner Breckinridge: This will be filed as supplemental testimony and evidence in Cherokee straight case D-16.

M. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes hereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this November 5th, 1901.

(signed) T. B. Needles.
Commissioner.

Supl.-C.D.#16.

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

Muskogee, I. T., February 15, 1902.

Supplemental testimony in the matter of the enrollment of
Lenora Prather, et al., as Cherokee citizens.

This case set for final hearing February 15, 1902, and applicant appears by Attorney Preston S. Davis, Vinita, I. T.
Mr. W. W. Hastings, present for Cherokee Nation.

Mr. Davis: I desire to submit this case finally at this time.

Commission: By agreement between the representatives of the Cherokee nation present, and the applicant's attorney, this case is submitted to the Commission for final consideration and the attorney for the applicant will be given ten days in which to file a brief, one copy with the Commission and one copy with the representatives of the Cherokee nation.

The representatives of the Cherokee nation will likewise be given an opportunity to file a brief in this case, one copy with the attorney for the applicant, and one copy with the Commission.

J. O. Rosson being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this February 19, 1902.

(signed) T. B. Needles,

Commissioner

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 24, 1902.

In the matter of the application of Lenora Prather et al for enrollment as citizens of the Cherokee Nation.

SUPPLEMENTAL to D-16.

A p p e a r a n c e s :
Preston S. Davis, Vinita, T.T., in behalf of applicants.
J. C. Starr in behalf of the Cherokee nation.

Robert A. Prather being first duly sworn, testified as follows:

Mr. Davis: State your name? A Robert A. Prather.

Q How old are you Mr. Prather? A I am 76.

Q Are you the husband of Caroline Prather, in case No. 4014, before this Commission? A I suppose so.

Q You are? A Yes sir.

Q What kin are you to Richard L. Prather, deceased? A I am his father

Q What kin is Caroline Prather to Richard L. Prather? A She was his mother.

Q Are you the R. A. Prather that testified in this case before the Commission at Vinita? A Yes sir, I am.

Q Well was Richard L. Prather living on December 19, 1870? A Yes sir.

Q How old or about how old was Richard L. Prather at that time?

A He was betwixt 16 and 17 years old I reckon, between sixteen and seventeen, quite young.

Q He was living at that time, but was under age, was he, he was a minor

A Yes sir.

Q At the time his mother, Caroline Prather, was admitted to citizenship before the Bob Daniels court, was Richard L. Prather alive?

A Yes sir.

Q How old was he at that time? A Well he was 16 or 17 somewhere along there, I don't know just exactly.

Q From that time on, from the 19th of December, 1870, the time his mother was admitted to Cherokee citizenship before the Bob Daniels court, did Richard L. Prather ever leave the Cherokee nation to make his home anywhere else permanently? A No sir.

Q He didn't you say? A No sir, he didn't.

Q Did he ever leave the nation at any time at all? A Yes sir, he went to Sulphur Springs, Texas, took that little girl Minnie, to the Springs in Texas, Sulphur Springs, and was gone I think about a year, and then he came back.

Q What property or what effects did he leave in the Cherokee nation at that time? A Well he had a place and his property and his little boy was at my house, he died while, I think while he was gone.

Q What did he take while he was gone, any horses or furniture or anything of the kind? A Well he bought some horses and then he traded off at Black Mountain down here for cattle and brought them over here.

Q Bring ~~back~~ the cattle back to the Nation? A Yes sir.

Q What did he do with them? A He left them with me to take care of them. I don't know how much he paid, four or five hundred dollars.

Q Had he had his place there in the nation during all that time?

A Yes, sir, he always had a place in the Cherokee Nation.

Q And you say then that from the time his mother was admitted in 1870 before the Bob Daniels court, that Richard L. Prather, your son,

never permanently left the Cherokee Nation to make his home anywhere else? A No sir.

Mr. Starr: When was Richard L. Prather born? A Well he was born, I don't know as I can state the date, but I could take his age from the Bible, the book. '30 or '32 I think, must have been born about '32 because Annie was born June 1st, Jim Tittle's wife, 1830, and I think '32 I guess, a little more than two years difference in ~~the~~ their ages.

Q Is this Annie that you mention your oldest child? A She was the oldest child.

Q How much older is she than Richard? A Well I think she's nearly two years; she was born June '30, she must have been.

Q What's the name of the one that's younger than Richard, next one, next one to Richard? A I believe its Mollie J.

Q Who? A I believe its Mollie J., Parks now.

Q How old is she? A Well I couldn't--

Q When was she born? A A She was born, well there was about two years, it might have been that much or mightn't be quite that or it might be a little over. Well she was born '33 or '4 or '5 right along there, I couldn't, I don't remember it.

Q How much older is Richard L. Prather than Mollie Parks? A Well he's about two years I suppose.

Mr. Davis. Where is Lenora Prather and her children living?

A They live in Grove.

Q In the Cherokee Nation? A Yes sir.

Q Indian Territory? A Yes sir.

Q How long have they been living there? A I don't know, some four or five years.

Q They were living there at the time Richard L. Prather died? A No sir, they was in Southwest City when he was killed.

Q Have a place in the Nation? A Yes sir, he has a place in the Nation.

Q Near Grove? A Yes sir.

Q The record all previously shows that, shows that she was living in the state and coming back and forth.

Mr. Starr: Where was she living in 1898? A I expect she must have been living at Southwest City; she might have been; I don't know.

Q Where was she living in June, 1898? A She was living in Southwest City, that's where she was.

Mr. Davis: Now, Mr. Prather, to call your attention; you have testified that in 1870 Richard L. Prather was about 16 or 17 years old?

A Sixteen or seventeen.

Q Sixteen or seventeen years old; then he couldn't have been born in 1832 could he? A I can't tell--

Q That would have made it, 32 from 70 would leave 38 wouldn't it?

A I don't know.

Q Do you remember dates at all? A I have neuralgia and it gets way down here (indicating)

Q You don't remember dates or years? A No, I can't.

Q Are you able to state whether or not, in the year 1870 you remember the time your wife was admitted to citizenship; I will ask you whether you remember the fact as to whether or not Richard L. Prather at that time was a minor or was of full age? A I know he was a minor.

Q He was a minor? A Sixteen or seventeen.

Q You are positive about that are you? A Yes sir.

Q You say you don't remember dates or years? A No, not just exactly.

Chester Jackson, being first duly sworn, testified as follows

- Mr. Davis: State your name to the Court? A Chester Jackson
- Q How old are you Chester? A 20 years old.
- Q Where do you live? A My home is in Texas; at the present time I am at my brothers at Klaus Ferry here in the nation, on Grand River.
- Q What kin are you to Lenora Prather, the applicant in this case?
- A Brother.
- Q Where is she living now? A Grove Springs.
- Q In the Cherokee nation? A Yes sir.
- Q Indian Territory? A Yes sir.
- Q How many times has she been married? A Twice.
- Q What was her last husband's name? A Prather.
- Q What Prather? A Dick Prather.
- Q Richard L. Prather? A Yes sir.
- Q Where was she married to Richard L. Prather? A Claremore, Indian Territory.
- Q Do you know what year? A 1892.
- Q What time of the year, springs, summer fall or winter or when?
- Q To the best of my knowledge it was in the fall.
- Q In the fall of 1892 at Claremore; where you present at that wedding?
- A Yes sir.
- Q Did you see her married? A I did.
- Q Who married her? A Jacks.
- Q A minister? A Yes sir.
- Q After her marriage to Richard L. Prather - where was the ceremony performed, in the church or where? A In our home.
- Q Were you living at Claremore at that time, your people? A Yes sir.
- Q She was married at home was she? A Yes sir.
- Q After her marriage to Richard L. Prather, did they live together as man and wife? A Yes sir, they did.
- Q How do you know? A I lived with them.
- Q How long did you live with them after their marriage? A I lived there at one time about six months.
- Q Did they have any children of this marriage? A Yes sir, they had two children.
- Q Those children living now? A Yes sir.
- Q Did they live together as man and wife after they were married?
- A They did.
- Q Was she a citizen of the Cherokee nation prior to her marriage to Richard L. Prather, or a citizen of the United States? She was a citizen of the Territory.
- Q Citizen before she married Prather? A Yes sir.
- Q She claimed her citizenship through her marriage to Prather?
- A Yes sir.
- Mr. Starr: Where did Richard L. Prather and Lenora Prather live after they were married? A Lived at Southwest City.
- Q How long did they continue to live there? A They lived there till he was killed, I don't know exactly how long, I couldn't say.
- Q Where was Lenora Prather living in 1898? A Why, I couldn't say whether she was living in Southwest city or in the nation; I don't remember.
- Mr. Davis: You say you can't say. No sir, she was either at Southwest City or Grove Springs.
- Q I will ask you if during the time they lived in Southwest City they had a farm in the Cherokee nation? A They did.
- Q How far from Southwest City. A About 12 miles I think.
- Q I will ask you if they would come and go to that place? A Yes sir.
- Q Kept that farm there during the whole time? A All the time.

- Q Did she afterwards move to t his same farm and go to living there?
A No, I think not; I don't remember whether she ever lived on the farm after that or not.
Q Is she living on that farm now. A No sir, she's living in town, town of Grove.
Q She owns a farm near there? A Yes sir.
Q The same farm? A They had.
Q The same farm they had all during the time they lived in Southwest City? A Yes sir
Q Still owns that place? A Yes sir.
Q You say they owned it all during that time? A Yes sir.
Q About how many miles did you say from Southwest City? A Twelve miles I think.
Q About twelve miles over to the Territory side? A Yes sir.
Q She's living on that farm? A No sir.
Q She lives in town but still owns the farm? A Yes sir.
Q How long has she been living in Grove in the Cherokee nation?
A I couldn't say for certain.
Q Well about how many years? A I think some three or four years.
Q Children living with her? A Yes sir.
Q They are both minors? A Both minors.

- Mr. Starr: Has she been living in Grove 3 or 4 years? which is it?
A I couldn't say; 3 or 4 years; I couldn't say just exactly.
Q Did she move from Southwest City to Grove? A Yes sir.
Q Been living in Southwest City until she moved to Grove? A Yes sir, she's been living in Southwest City since she was married till she moved to Grove.

L. B. Bell being first duly sworn, testified as follows:

- Mr. Davis: State your name; Colonel? A L. B. Bell. This young man knows it.
Q What is your age? A 64.
Q You are a Cherokee by blood, living in Vinita? A Yes, live at Vinita.
Q Did you know Richard L. Prather in his lifetime, the son of Robert A. and Caroline Prather? A Yes sir.
Q Can you remember how old Richard L. Prather was in the year 1870?
A Why, I couldn't hardly yell you that; first time I ever see Dick Prather was about '68; he looked like a boy 16 or 17 years old, only a matter of guess.
Q I will ask you if in 1870 he was a minor or a man of full age?
A Well, I couldn't --
Q Well you knew him; you say you saw him in '68? A Well that would make it then that he would have been twenty, about twenty years old, but I don't recollect of seeing Dick Prather after '68 for some two or three years.
Q You saw him in '68? A I think in '68; that's the first time ever I see him; it was in that year I sold his father a place; that's the first time I ever saw any one of the family; he looked like to me a young man of seventeen, probably it might have been older than that or he might not have been quite so old, but I never kept no particular record with me.
Q Well, at that time was he of age or under age? A Well I think he was under age the first time I seen him, yes sir.

- Mr. Starr: You don't know when he was born, do you? A No, as I stated at the start, the first time I ever saw him I think was in '68, and then he was 16 or 17 years old, and I guess he had been born sometime

previous to that. No, I don't know really anything about his age, and its been a good while ago, something more than thirty years; its pretty hard for a man to speak definitely about a thing of that sort unless it was of more import than that would be to him now. There was two or three Prather boys, and my understanding was that Dick was the oldest one of the bunch.

- Mr. Davis: Colonel, do you know anything about the enrollment of Richard L. Prather as a citizen of the Cherokee Nation? A No sir, nothing only in a general way, that the question of their admission was called up; it was the subject matter of an inquiry into an act of the council passed somewhere along, well, I think they were tried somewhere about '68 in the Adair Court as they called it.
- Q Do you know whether they were admitted in that court, did you ever look up the records to see? A Well they were; the question of fraud was what was brought up; and it was decided that there had been no fraud in the presentation of the trial of the case; its my recollection; the record and the matter, that would disclose that fact much better than I could.
- Q Well you havn't looked that up? Did that include Caroline Prather the mother and the family, does it include the family? A Well, the facts are about this It appears that presenting their case before this Commission they presented records that showed the admission of Caroline Prather simply, and following that the children were put upon a doubtful card, and at the instance of Mr. Parks, the son-in-law of Prather, I went down to Tahlequah and found records showing I believe the admission of the whole outfit, giving the names of the children, but that's a matter of record which is before this Commission, I understand.
- Q Well was Richard L. Prather included in that list that you found? A Well, my impression is that he was, but I couldn't state absolutely that that's a fact now.
- Q You say that's a matter of record that the Commission - A I think it ought to be right here in this Commission now, my notion about it

Robert A. Prather Recalled.

- Mr. Davis: Did you have any son named Richard T. Prather? A No sir.
- Q What was the name of your son? A His name was Richard L. Prather, Richard Lewis.
- Q Richard Lewis Prather? A Yes, sir, that was his name.
- Q I notice in some of the papers the name of Richard T. Prather occurs; what should that be? A It ought to be Richard L. Prather.
- Q Richard L. Prather? A Yes sir.
- Q You had no son by the name of Richard T. Prather? A Dick was the oldest; a baby that died was the next one, and I don't recollect the rows then, but I know Dick was admitted; I saw it on the record myself.
- Q You say you know he was admitted? A Yes sir, his name is on the record before his mother.

Commission: This testimony will also be filed with and made a part of the record in the matter of the application of Jesse Q. Prather for enrollment as a citizen by blood of the Cherokee nation, and whose name appears on Cherokee Roll Card Field No. D-976.

- Mr. Davis: What kin are you to Mollie J. Parks? A I am her father.
- Q Her name was Mollie J. Prather before she married? A Mollie Jones Prather before she married.
- Q Her husband J. W. Parks is your son-in-law? A No sir, that wasn't his name; his name was John K. Parks.

- Q He your son-in-law? A Yes sir.
Q Married your daughter, Mollie Jones Prather; what kin is Mollie Jones Prather to Richard L. Prather? A She was his own sister, and I believe next in birth; it strikes me since I answered that question that she's next in birth.
Q Well, she's a full sister to Richard L. Prather? A Yes sir.
Q I will ask you if your daughter Mollie was sometimes called Margaret
A Its Margaret Jones.
Q Margaret Jones Parks? A Margaret Jones Parks, she was named after Aunt Margaret Jones. Well, Margaret and Mollie; she was sometimes called Margaret and sometimes Mollie.
Q Now I will ask that the testimony in that case by reference be made testimony also in the case of Jesse Q. Prather and in this case.

Commission: It is directed that a copy of all the testimony had in the matter of the application of Margaret J. Parks, who has been listed for enrollment on Cherokee Roll Card Field No. 4013, be filed with and made a part of the record in the case at bar, as well as in the case of Jesse Q. Prather, D-976.

- Q What kin is Jesse Q. Prather to Richard L. Prather? A He is the son
Q His own son? A Yes sir, I kept his family while he was gone to Texas and down on the river.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 25th day of June, 1902.

(signed) P. G. Reuter,
Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., October 3, 1902.

In the matter of the application of Lenora Prather for enrollment as an intermarried citizen, and for the enrollment of her children, Sam Houston and Maggie Prather, as citizens by blood of the Cherokee nation.

Preston S. Davis being sworn and examined by the Commission testified as follows:

- Q What is your name? A Preston S. Davis.
Q What is your age? A 32 this November.
Q What is your postoffice address? A Vinita, I. T.
Q Are you acquainted with Lenora Prather, who is an applicant before this Commission for enrollment as an intermarried citizen? A I am.
Q How long have you known her? A Well sir, I have known her for some seven or eight years.
Q What is her husband's name? A She has no husband. She is a widow.
Q What was his name? A Richard L. Prather.
Q How long has he been dead. A The exact date of his death I am unable to state, but he has been dead some three or four years; I suppose he was dead before she applied to the Commission for enrollment.
Q Did Lenora Prather and her husband Richard L. Prather live together as husband and wife from the time you knew them up until his death?
A Yes sir.
Q They never separated during that time? A No sir. They were living together at the time of his death; he got killed; was thrown out of a wagon.
Q Has Lenora Prather ever married since the death of her husband?
A She has not; she is a widow now.
Q Was she a widow on the first day of September, 1902? A She was.
Q How long have you known her to live in the Cherokee nation? A Ever since I have known her.
Q For the last seven or eight years? A Yes sir.
Q She has not lived out? A No sir.
Q Do you know her two children, Sam Houston and Maggie? A Yes sir. They live with her near Grove, I. T. She lives on her place.
Q Do you know whether Richard L. Prather was ever married prior to his marriage to this wife? A Yes sir, he was.
Q Was his former wife living or dead at the time of his marriage to Lenora? A His last wife was divorced from him and the evidence of his divorce has been produced in the application and the papers.
Q Was that divorce granted to him prior to his marriage to this woman? A Yes sir, a certified copy of it is on file as required by the Commission.
Q She was living in the Cherokee nation on the 24th day of June, 1898, was she? A Yes sir.

The undersigned being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 4th day of October, 1902.

(Signed) ~~xxxxxx~~ B. T. Jones,

(SEAL).

Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I.T., October 15, 1902.

In the matter of the application of Lenora Prather for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her two children, Sam Houston Prather and Maggie Prather, as citizens by blood of the Cherokee Nation.

The Commission: The Cherokee Nation makes satisfactory proof of service upon the applicant of notice that they would offer additional testimony on this day, tending to disprove her right to enrollment; and the applicant appears in person as well as by counsel, Preston S. Davis; the Cherokee nation appearing by its representative J. C. Starr.

Lenora Prather, the applicant, being called as a witness, and being duly sworn and examined, testified as follows:

Examined by Commission:

- Q Mrs. Prather, what is your name? A Lenora Prather.
Q What is your age at this time? A Thirty four.
Q What is your postoffice address? A Grove.
Q Are you the same Lenora Prather that applied to the Commission for enrollment as an intermarried citizen of the Cherokee nation in July, 1900? A Yes sir.
Q What was your husband's name? A Richard L. Prather.
Q Was he a Cherokee by blood? A Yes sir.
Q Is he living or dead? A He is dead.
Q When did he die? A In 1895.
Q When were you married to Richard L. Prather? A In 1892.
Q Did you and Richard L. Prather live together as husband and wife from the date of your marriage to the time of his death? A Yes sir.
Q You were never separated? A No sir.
Q Were you ever married prior to your marriage to Richard L. Prather?
A Yes sir.
Q How many times? A One time.
Q What was the name of your first husband? A T. B. Lyons.
Q Was he living or dead at the time of your marriage to Mr. Prather?
A He was dead.
Q Had Mr. Prather ever been married before? A Yes sir.
Q How many times had he been married? A Three times.
Q You were his fourth wife? A Yes sir.
Q Were all his former wives living or dead when you married him?
A His first wife was dead.
Q What was the name of his second wife? A Fannie Carr.
Q Had he ~~been~~ been divorced from her? A Yes sir.
Q What was the name of the third wife? A Sarah Vann.
Q Had he been divorced from her? A I am mistaken. Sarah Vann was his second wife and Fannie Carr was his third wife.
Q Had he been divorced from her when he married you? A Yes sir.
Q Since Mr. Prather's death in 1895, have you married? A No sir.
Q You was still a widow and single on the first day of September, 1902? A Yes sir.
Q Have you lived in the Cherokee nation all the time since your marriage to Mr. Prather up to the present time? A The biggest part of the time.
Q How much of the time have you been out of the Cherokee nation?
A I lived on the farm part of the time and would go back and forth.
Q Now, up to the time of Mr. Prather's death, did you and he live

- on the farm, or where did you live during his lifetime? A Part of the time in Southwest City.
- Q During his lifetime you spent part of the time in Southwest City? A Yes sir.
- Q The first year after his death where did you live? A Southwest City
- Q You still had the farm in the Cherokee nation? A Yes sir.
- Q Where did you live the second year after his death? A Stayed in Southwest City most of the time.
- Q You didn't move on the farm and keep house on the farm during that time? A No sir.
- Q The third year after his death, about 1897 or 1898, where did you live? A About the last of May or first of June, in 1898, I moved to the farm.
- Q You moved to your farm in the Cherokee nation? A Yes sir.
- Q How long did you live there? A I staid there quite awhile; I went back and forth.
- Q Did you stay there all that summer? A Yes sir.
- Q You say you went back and forth, where did you go to? A Southwest City.
- Q Did you have a house in Southwest City? A I lived in property there that belonged to the heirs of my husband.
- Q Did you have control of it? A Yes sir.
- Q Did you keep the use of part of that property, the dwelling house? A Yes sir.
- Q While you were on the farm in the summer of 1898, who occupied that dwelling house? A A family named Hayes.
- Q How many months did they live there? Did they pay rent for it? A Yes sir, they paid rent; I don't know how long they staid there.
- Q After you moved to the farm, what time did you leave the farm in 1898? What time of the year? A I don't think I left there until 1900. I don't think I went back until 1900.
- Q To Southwest City? A Yes sir. And then I moved to Grove. No, I went back to Southwest City in 1899, and in 1900 I moved to Grove.
- Q You went back to Southwest City in 1899? A Yes sir, I would go back and forth all the time.
- Q You quit living on the farm in 1899, didn't you? A No sir, one of the renters lived in the house with me, and I went back and forth.
- Q Back and forth to Southwest City? A Yes sir.
- Q And in 1900 you moved to Grove? A Yes sir.
- Q Been living in Grove ever since 1900? A Yes sir.

Examined by P. S. Davis:

- Q How far is this farm from Grove? A Four miles.
- Q How far is this farm from Southwest City? A Eight Miles.
- Q Did you own this farm when you first married Richard L. Prather? A Yes sir.
- Q Did you own it all the time during the lifetime of Richard L. Prather, after you married him? A Yes sir.
- Q Did you own any other farm during the life of Richard L. Prather? A Yes sir.
- Q Where was that? A At Blue Jacket.
- Q Indian Territory? A Yes sir.
- Q Did you ever go out there? A Yes sir, we went out there often.
- Q During all the time that you lived in Southwest City did you have any household effects on these farms in the Cherokee nation? A His machinery and everything was out there, and farming implements.
- Q Was he running these farms? A Yes sir.
- Q Did you ever move any household stuff down on the farm near Grove? After the death of Mrs. Prather? A Yes sir.
- Q When? A About the ~~first~~ of May or First of June, in 1898.
- Q Did you have this household stuff on the place near Grove on June 28, 1898? A Yes sir.
- Q What did you have there? A Bedding, kitchen furniture and household goods to keep house with.
- Q Did you keep them there on from that date on up to the time you

moved to Grove? A Yes sir.

Q When did you move to Grove? A In 1900.

Q Are you living there now? A Yes sir.

Q You have two children by Richard L. Prather? A Yes sir.

Q Living? A Yes sir.

Q Minors? A Yes sir.

Q What are their names? A Sam Houston and Maggie.

Q Are they living with you? A Yes sir.

Q I will ask you if, at anytime since your marriage to Richard L. Prather, there has ever been a time that you didn't have furniture, have a home or own property in the Cherokee nation? A No sir.

Q Where have you always claimed your home to be since you married Richard L. Prather? A In the Cherokee Nation.

Examined by J. C. Starr:

Q Where is this farm located near Grove? What direction? A Northeast.

Q Whose farms are adjoining it? A James Turner on the east, and Nat Perry on the south.

Q Who is on the west? A Mr. Stewart.

Q Who is on the north? A Mrs. James' farm I think.

Q How many houses has this place got on it? A Two.

Q Were both these houses occupied during the year 1898? A I was in one of them.

Q Who lived in the other? A I think Mr. Bagby was in one of them.

Q Which one? A Uncle Alf Bagby. To the best of my knowledge it was Uncle Alf Bagby.

Q Which side of the farm is this house located on which you say you lived in? A On the east part of the farm.

Q What time did you say you went there in 1898? A The last of May or the first of June.

Q How long did you stay there in May, 1898? A I went there about the last of May or the first of June, 1898.

Q How long did you stay on this place? A I staid there quite awhile.

Q Did you go back to Southwest City at any time? A I was back and forth.

Q How much of the month of June were you on this place? I mean June, 1898? A I was out there the biggest part of the time. I was out there quite a good deal during the month of June.

Q Did you have any household effects in the house at Southwest city at the time you were out at the farm in 1898? A I left some things there I couldn't put in my house there. It was small and leaked, and I hired my brother and another man to fix the roof.

Q Did you ever spend the night in the farm in June, 1898? A Yes sir.

Q How many? A Several nights.

Q How many nights did you spend in Southwest City in June, 1898?

A I do not remember.

Q Where were you in July, 1898? A At the farm I suppose, most of the time.

Q Were you in Southwest City at any time during the month of July, 1898?

A I don't remember; I didn't remember dates.

Q Do you remember how much you were in Southwest City in June, 1898?

A No sir, I was at the farm most of the time. I would go back and forth.

Q As a matter of fact, in June, 1898, didn't you stay in Southwest City as much as you did at the farm? A No sir, I don't think I did.

Q Did you stay in Southwest City any time during June, 1898?

A I don't remember sir. Its been so long I have forgotten.

Q When did you go back to Southwest City to live? A Well, I never went back there at all to make it my home.

Q But you did go back for awhile after June, 1898?

A I would go back and forth.

Q How long did you stay in this house on the farm after you put these things in there in June, 1898? A How long did I stay?

- Q How long did you continue to live there? A A long while. I don't remember just how long, but a good long while. I never taken them away until I moved to Grove.
- Q Did you keep your part of your place at Southwest City until you moved to Grove? A Had some furniture there, yes sir.
- Q Now, when did you move to Grove? A In 1900.

Examined by Mr. Davis:

- Q From the time you moved this household stuff down on the farm the last of May or the first of June, 1898, from that time on, where did you claim your home, in Southwest City, Missouri, or in the Cherokee Nation? A In the Cherokee nation.
- Q Have you ever claimed your home anywhere else since that time, but the Cherokee nation? A No sir.
- Q Do you own any property now in Southwest City? A No sir.

L. B. Prather, being called as a witness on the part of the Cherokee Nation, being duly sworn and examined, testified as follows:

Examined by the Commission:

- Q State your name? A L. B. Prather.

P. S. Davis:

At this time applicant objects to the re-opening of this case, and to the introduction of any testimony by the Commission, or on the part of the Cherokee Nation, on the main issue of this case, as to whether or not the applicant Lenora Prather, and her two minor children, are entitled to enrollment as citizens of the Cherokee Nation, for the reasons, First: That on January 30, 1902, the Dawes Commission issued a notice to the applicant and to her two minor children that, on the 15th day of February, 1902, the case would be taken up at Muskogee, in the offices of said Commission, for final consideration, notifying said applicant to be present, under the signature of Tama Bixby, Acting Chairman of the Commission. And on said 15th day of February, 1902, the applicant appeared before the said Commission by her attorney of record, Preston S. Davis, and the Cherokee Nation was then and there represented by W. W. Hastings, and the following record was then and there made.

"Mr. Davis: I desire to submit this case finally at this time.

Commission: By agreement between the representatives of the Cherokee nation present, and the applicant's attorney, this case is submitted to the Commission for final consideration, and the attorney for the applicant will be given ten days in which to file a brief, one copy with the Commission and one copy with the representatives of the Cherokee nation.

The representatives of the Cherokee nation will likewise be given an opportunity to file a brief in this case, one copy with the attorney for the applicant, and one copy with the Commission."

The said record above quoted being enclosed to the said attorney for the applicant under date of February 28, 1902, under the signature of T. B. Needles, Commissioner in Charge; in which communication said Commission notified said attorney that

"there is enclosed herewith a copy of agreement of counsel submitting the case, and the order of the Commission closing the testimony, in the matter of Lenora Prather et al., for enrollment as citizens of the Cherokee nation. You are entered as attorney in this case and have heretofore signed receipt for testimony. Yours truly, T. B. Needles, Commissioner in Charge; Cherokee D. 16; Encl.-J-9"

and for the further reason that under the treaty the rolls were to be closed on the 31st day of October, 1902, and this case having been finally submitted under an order of the Commission as shown by the record, on the 15th day of February, 1902, said Commission having closed said case, and having so understood the case was closed, it is unfair and unjust to said applicant, at the last moment here to re-open the said case and introduce new proof on the main issue in the case, the Cherokee nation having had since July, 1900, to offer testimony in this case, and having, by their proper representatives, on the 15th day of February, 1902, openly, before said Commission, declined to offer any further testimony, and having submitted finally the case to the Commission for its final consideration.

The Commission: Your objection will be noted, and the Cherokee Nation will be permitted to introduce such testimony as it may have subject to the objection of the applicant, to be passed upon by the full Commission.

Mr. Davis Applicants excepts.

THE EXAMINATION OF L. B. PRATHER THEREUPON PROCEEDED.

Witness examined by J. C. Starr:

- Q Mr. Prather, what is your age? A I am 44 years old.
 Q What is your postoffice? A Grove, I. T.
 Q Are you acquainted with the applicant, Lenora Prather? A Yes sir.
 Q How long have you known her? A About 10 years I guess.
 Q Do you know who was her Cherokee husband? A Yes sir.
 Q What was his name? A Richard L. Prather.
 Q Where did Lenora Prather and Richard L. Prather live during the lifetime of Richard L. Prather? A Southwest City, Missouri.
 Q When did Richard L. Prather die? A In 1895.
 Q Where was he living at the time of his death? A At Southwest City
 Q Do you know where Lenora Prather has been residing since the death of her husband, Richard L. Prather? A Yes sir.
 Q Where has she been residing? A Why she was in Southwest City part of the time since his death.
 Q How long did she continue to reside there?

By Mr. Davis. Let him answer where else she lived.

Witness In Grove.

By J. C. Starr:

- Q How long did she continue to reside in Southwest City after the death of Mr. Prather? A About 3 or 4 years.
 Q Where did she live during the year 1898? A In Southwest City.
 Q Where did she live during the year 1899? A Why for the best part of 1899 she lived in Southwest City; in the first part of the year of 1899 she lived in Southwest City.
 Q Where did she live during the latter part of 1899? A In Grove.
 Q Are you acquainted with the farm belonging to Richard L. Prather on Cowskin prairie? A Yes sir.

- Q Do you know who occupied that farm during the year 1898? A I don't believe I do. No, I don't recollect who lived there in 1898.
- Q How far is that farm from where you live? A It is about two miles and a half I guess.
- Q You are living at the same place now that you were in 1898?
- A Yes sir.

Examined by P. S. Davis:

- Q What kin were you to Richard L. Prather, deceased? A A brother.
- Q An own brother? A Yes sir.
- Q What kin are you to the two minor children, Sam and Maggie?
- A I am their uncle.
- Q Own uncle? A Yes sir.
- Q Where were you living when Richard L. Prather was killed in 1895?
- A Where I live now, on Cowskin prairie.
- Q Are you a citizen of the Cherokee nation? A Yes sir.
- Q You were administrator in the Cherokee Court of the Richard L. Prather estate, when he first got killed in 1895? A Yes sir.
- Q How long did you continue to act as such administrator of his estate?
- A Oh, about a year I guess.
- Q What property did he have in the Cherokee nation when you took charge of his estate as administrator in 1895? A He had a farm.
- Q What else? A Stock.
- Q What stock; name over all the property you can think of.
- A Some horses.
- Q How many horses did he have? A He had 16 or 18 mares and colts and two mules.
- Q Alright, what other stuff; name it, that you took charge of?
- A That's all.
- Q Had a farm, how many acres of land? A About a thousand acres.
- Q What improvements on that land? A Three houses--four houses it was on three farms.
- Q Alright, three houses; what effects in the way of farming implements, tools and utensils, that you took charge of? A None at all.
- Q How long did you continue as administrator of this estate in the Cherokee nation? A About a year.
- Q What did you finally do with this stuff? A I got into a law suit.
- Q Yes; you tried to beat the estate out of it? A No sir.
- Q Isn't it a fact that Lenora Prather, the applicant, had to sue you in winding up the estate? A She had no right to have it turned over.
- Q Didn't you refuse to turn it over, and thereupon wasn't a law suit brought? A No sir.
- Q Didn't you compromise the suit by executing to this woman your note for one hundred and fifty dollars? A Yes sir.
- Q Hasn't she got that note now? A Yes sir.
- Q That note's about due, aint it, and unpaid? A Yes sir.
- Q Do you know Jesse Q. Prather? A Yes sir.
- Q Didn't you state in the presence and hearing of Jesse Q. Prather that if Lenora Prather would turn over this note now you would drop this contest, and if she didn't you would knock her off the roll and take the children's and her land? A No sir.
- Q Have you employed Cale Starr and paid him fifty dollars to knock this woman off the roll? A No sir.
- Q What is the state of your feelings against this applicant? A I have no feeling.
- Q Do you feel kindly towards her or not? A I have got nothing against her.
- Q Do you feel kindly towards her? A I don't have anything to do with her.

- Q As a matter of fact you don't feel very kindly towards her, do you? Do you feel kindly towards this woman or not? A I havn't anything particular against her.
- Q As a matter of fact, you don't like her? A I have got nothing against her at all.

The Commission: You may state whether you like the woman or whether you dislike her?

- A I aint stuck on her.
- Q You are not stuck on her at all? A No sir.
- Q Did you ever make any statement to anybody that if she would turn over this note to you it would be all right? Didn't you get mad at her when she sued you for the estate? A I didn't think it was right.
- Q You and the other administrator compromised; you compromised and swindled the estate out of everything, and then you didn't like it when she compelled you under the law to give these orphan children what was coming to them? A I didn't get everything whats she claimed I got. I turned over what I got over to Yeargain.
- Q Another Cherokee administrator who succeeded you, and between you two you succeeded in robbing this woman. Wasn't Cale Starr over to see you the other day at your place at Grove? A Not this last time.
- Q When was he out there? A Two or three weeks ago.
- Q Didn't he come out to your place to see you about this case? A No sir. It was about a land trade.
- Q When did you know you had to come down here? A Last Friday.
- Q Did you ever talk to Cale Starr about knocking this woman off the roll? A No sir.
- Q Did you ever offer to pay him to have it done? A No sir.
- Q You never sent Jesse Q. Prather, the step-son of this woman, over to her about this note, and to tell her if she would turn it over you would drop the contest and if she didn't you would get her off the roll? A No sir.
- Q Do you know what time in 1898 she moved some things down on the farm? A She didn't move anything down there.
- Q How do you know? A I was passing there all the time.
- Q How far did you live from her? A About four miles.
- Q You have been trying to get her farm havn't you? A No sir.
- Q You would like to have it? A Yes sir, I would.
- Q It is one of the best farms on Cowskin prairie? A Yes sir.
- Q I will ask you if you don't want that farm? A I couldn't hold it if I had it. Of course, I would like to have it.
- Q Havn't you been trying to get a hold of this land to allot it? A No sir, I would like to buy it for another fellow.
- Q You would like to have it? A I wanted it for another fellow.
- Q How do you know she didn't move some things down there? A I didn't see them.
- Q You didn't see her? A No sir. She moved some things down there in 1899.
- Q How far do you live from Southwest City? A Its about 14 miles.
- Q Do you keep up with everything that's going on there? A Not hardly.
- Q How big is Cowskin prairie? Its a pretty big scope of country.
- Q Do you mean to tell this Commission that you keep up with the movements of everybody of Cowskin prairie and in Southwest City? A No sir.
- Q You don't? A No sir.
- Q Do you know when this woman's brother, Jackson, lived on the place in 1898? A No sir.
- Q Do you know whether he lived there at all? A No sir.

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- Q As a matter of fact don't know you know that he did live there?
A No sir.
Q You don't know anything about that? A No sir.
Q As a matter of fact you don't know much about the place? A I was passing there often and saw some of hem.
Q Who was living there on the place in 1898, you were passing there.
A I don't know. I know who lived there in 1899.
Q You were passing there in 1898, and you know this woman didn't live there, who did live there in 1898? As a matter of fact you don't know anything about it? As a matter of fact, you understood that if you came down here and swore that she wasn't there in 1898, it knocked her off the roll? A If I had time I could tell.
Q Yes, if you had a year or two, but you aint got a year or two. You don't know, do you? A I don't know now.

Examined by J. C. Starr:

- Q You were subpoenaed regularly to come before the Commission at this time? A Yes sir.
Q Did you have any talk with the representatives of the Cherokee Nation before coming? A No sir.
Q You didn't have any conversation with the representatives of the Cherokee Nation before coming? A No sir.
Q You didn't know what you would testify about before coming? A No sir.

By Mr. Davis:

- Q I will ask you if you didn't make the statement on Monday of last week, in Grove, Indian Territory, that you were coming over here for this hearing to see that this woman got knocked off the roll?
A No sir.
Q Did you ever make any such statement at any time or place? A No sir.
Q Isn't it the common talk of your community that you have interested yourself to see that this woman is defeated, if you can, on the ground that she has your note which she got in the settlement of the estate? A No sir.
Q That you were coming here to testify that she wasn't there in 1898?
A No sir.
Q You haven't done that? A No sir.

By the Commission:

- Q How long had ~~Robert~~^{Richard} L. Prather been living in Southwest City when he was killed?
A He had been living there about four years.
Q Where was he living when he married Lenora? A In Southwest City.
Q Where was he killed? A In Southwest City.
Q He wasn't living in the nation at all at that time? A No sir.
Q How long did you say it was before Mrs. Prather came to the Cherokee Nation to live? A She moved there sometime in the latter part of 1899.
Q Where? A Grove. It was December, 1899, or January, 1900, I don't know which.
Q Do you know of her living in Southwest City up to 1899? A Yes sir.
Q Did she keep house in Southwest City until 1899? A She lived in a house there, I think she had some folks living with her.
Q Whose house? A In her own.
Q It belonged to Richard L. Prather when he died? A Yes sir.
Q It was administered upon in the state of Missouri after his death?
A Yes, sir, She was appointed - -
Q She had charge of everything up there? A Yes sir.
Q You were the administrator over in the Cherokee nation? A Yes sir.

Examined by Mr. Davis.

- Q I will ask you if, during all the time that Richard L. Prather lived in Southwest City, Missouri, he owned property in the Cherokee Nation? A Yes sir.

- Q Did he have any personal effects in the Cherokee nation outside of land, and such as horses and stock? A Why sometimes he did.
- Q Didn't he trade all the time during his lifetime? A He kept them rented pretty much all the time.
- Q Didn't he have personal effects in the Cherokee nation? A Yes sir.
- Q Wasn't he regarded and considered as a citizen and participated as any other citizen all the time? A Yes sir.
- Q He was always known as a Cherokee citizen? A Yes sir.
- Q Didn't he have all his matters transacted there in the Cherokee Nation courts? A Yes sir.
- Q Did he ever become a citizen of Missouri? A Yes sir, he voted down there.
- Q How do you know? A He told me he did.
- Q Do you know of your own knowledge? A No, I didn't see him.
- Q During that time you do know that he was a citizen of the Cherokee Nation, and so considered? A Yes sir.
- Q You don't know whether this applicant moved any of her things down on the farm in the early spring of 1898 or not? A Nowar.
- Q You didn't see her there? A No sir.

By J. C. Starr:

- Q You have taken no active part in this contest against the enrollment of this applicant, have you? A No sir.
- Q Did you ever report this matter to the representatives of the Cherokee Nation? A No sir.
- Q You never had any talk with any of them? A No sir.
- Q That time you speak of seeing one of the representatives of the Cherokee nation, about three weeks ago, was the subject of the enrollment of Lenora Prather mentioned at that time at all? A No sir.
- Q Nothing was said about it? A No sir.

Mr. Davis: Subject to the objection already made by the applicant, and subject to the decision of the Commission on said objection, the applicant desires, at this time, to introduce the following testimony in rebuttal of the testimony offered by the Cherokee nation:

LENORA PRATHER, called, being duly sworn by the Commission, and examined, testified as follows:

Examined by P. S. Davis:

- Q Do you know Baxter Prather? A Yes sir.
- Q What kin was he to your husband? A Brother.
- Q Was he ever administrator of the estate of Richard L. Prather, deceased? A Yes sir.
- Q Where was the estate situated that he was administrator of? A Indian Territory, Cowskin prairie.
- Q In the Cherokee nation? A Yes sir.
- Q Did you ever have any difficulty with Baxter Prather in the settlement of the estate? A Yes sir.
- Q What did you have to do? A I finally had to bring suit.
- Q In what court? A In the United States Court at Vinita.
- Q Why did you have to bring this suit? A Well he wouldn't turn over our part of the estate.
- Q What became of the suit? A We compromised it.
- Q How did you compromise it? A He gave me his note for \$150.00
- Q Have you got that note now? A Yes sir.
- Q Has it been paid? A No sir.
- Q Any part of it? A No sir.
- Q I will ask you if he ever sent anyone to you concerning this note? A My step-son, Jesse Prather came up one day and told me.
- Q Whom did Jesse Q. Prather, your step-son purport to represent when he came to you concerning this note? A Baxter Prather.

- Q Did he make any statement to you at that time concerning what Baxter Prather offered about the note? A Yes sir.
- Q These statements that he made, did he state that he had been sent there by Baxter Prather to make the statements? Just state whether he said Baxter Prather sent him there to make the statements?
- A Yes sir.
- Q Now, then, I will ask this question: What did he say that Baxter Prather had sent him there as his agent to say to you concerning this note?

By J. C. Starr: Objected to by the representatives of the Cherokee nation because it is a matter of hearsay.

Mr. Davis: I submit that the act of the agent binds the principal.

- Q What did he say? A He said that Baxter Prather said if I would turn the note over, why I would enroll alright, and if I didn't they would knock me out.
- Q What has been the disposition and feeling of Baxter Prather towards you since the death of your husband Richard L. Prather; has it been good or bad? A It's been bad.
- Q I will ask you if you lived in Southwest City all the year of 1898, as testified to by Baxter Prather? A No sir, I did not.
- Q Your testimony while on the stand in relation to whether or not you had married out since the date of your application on September 2, 1898, is true as to these parties is it? A Yes sir.

Examined by J. C. Starr:

- Q Have you ever visited at the home of L. B. Prather since you applied for enrollment here? A I was at his house one time.
- Q You have been there since? A Yes sir.
- Q Did you take dinner at their house? A Yes sir.

By the Commission:

- Q Were you administratrix of your husband's estate that was situated in the state of Missouri? A Yes sir.
- Q Were you administratrix of that estate in 1898, or had it been permanently settled up then? A Yes sir.
- Q Do you know when you were discharged as administratrix over here in Missouri? A I think it was in 1899.

Mr. Davis: This testimony is offered subject to the same decision of the Commission on the previous objection introduced before the taking of testimony, and without waiving any of the rights of the applicant:

EDMUND E. JACKSON, called as a witness on behalf of the applicant, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Davis:

- Q What is your name? A Edmund E. Jackson.
- Q How old are you? A I am thirty one.
- Q Where do you live? A I live in Delaware district, Cherokee nation.
- Q How long have you lived there? A I moved there in January.
- Q What kin are you to Lenora Prather, the applicant in this case?
- A I am her brother.
- Q Did you know her husband, Richard L. Prather? A Yes sir.

prairie on the farm part of the time.

- Q You hadn't been to her house for sometime had you? A No sir.
 Q As a matter of fact, of your own knowledge, you don't know where she was living when she came after you? A ~~Maxxxx~~ She told me she had been making it part of the time on the place.

Examined by Mr. Davis:

- Q You know she had this place there and nobody living in the house at the time you did the work? A Yes sir
 Q You knew it was her place? A She claimed the place.
 Q There was no other person in charge of the house? A No sir, I nailed the doors up.

Examined by J. C. Starr:

- Q You nailed the doors up? A I nailed the doors up.
 Q What did you do with the key? A I turned it over to her.
 Q Where did you turn the key over to her? A Southwest City.
 Q You took it back to Southwest City and gave it to her? A Yes sir.

Mr. Davis: The applicant, at this time, subject to the decision of the Daves Commission on the ~~subject~~ raised, if the Commission holds that the Cherokee Nation is, under the circumstances, entitled to re-open this case, after it has been finally closed and submitted, asks for sixty days from this date in which to procure and introduce testimony showing and tending to show that she had has her home in the Cherokee Nation since the early spring of 1898; and makes this request for the reason that, having understood since the 15th day of February, 1902, that this was fully and finally closed, and that she would not be called upon to introduce any further proof, has not kept with her witnesses that she can procure, if allowed these sixty days time in which to procure them.

The Commission: Upon the request of the applicant for a continuance, the Commission continues the case for further hearing until November 14, 1902.

Mr. Davis. The applicant requests sixty days, and excepts to the action of the Commission in granting 29 days.

 E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(signed) E. C. Bagwell

Subscribed and sworn to before me this November 6, 1902.

(Signed) B. C. Jones,

Seal.

Notary Public.

Q Do you know whether or not in the year 1898 Lenora Prather had any household effects down on her farm in the Cherokee Nation?

A She did, yes sir.

Q Near Grove? A Yes sir.

Q What time in 1898, as near as you can remember, did she have these things there? A As near as I can remember it was in September or October.

Q What year? A 1898.

Q How do you know Mr. Jackson, by what do you fix it? A She hired me to cover the house, and I went out there and covered the house, it leaked so bad. I went out and covered the house.

Q What things did she have there when you went out there in 1898?

A A bedstead or two, and some dishes, and enough stuff there to keep house with.

Q Household stuff? A Yes sir.

Q How long did you stay there? A Two days and a half, I think it was.

Q Did you afterwards live there awhile, or have charge of the house?

A No sir, I never lived there afterwards.

Q Was she down there during the time you were there? A No sir, she wasn't down there.

Q Do you know whether or not she had been living there? ~~xxxMaxxxx~~

A It was my understanding that she had.

Q Who had charge of the house at the time you were covering it?

A She did.

Q Anybody else living in the house? A No sir.

Q How many houses were on the place at that time? A Two houses.

Q Did you ever live on this place? A No sir, I never did on that place.

Q Do you know whether or not they owned this place while Richard L. Prather was living? A Yes sir, they did.

Q Do you know if they ever lived on it while he was living?

A I don't know.

Q But they owned it at that time? A Yes sir.

Q She still owned it after his death? A Yes sir.

Q And Mrs. Prather had her household effects there and had charge of this house in September or October, 1898, to your certain knowledge? A Yes sir.

Examined by J. C. Starr:

Examiné by J. C. Starr:
Q What were you doing on this place in 1898? A I was covering the house.
Q How many times were you on the place in 1898? A I was there only once.
Q Did you see Lenora Prather there while you were there? A No sir.
Q You didn't see her around there? A No sir.
Q Who cultivated that place in 1898? A I don't know but I think old man Bagby cultivated it, his boys were there at work while I was covering the house.
Q You were on the place only once, and that was in the fall?
A Yes, in September or October.

~~Q x X u n n e r y x h m m x r o s e n b l i t z x t h e r e x t w o d a y s a n d x x h a t f i x x A x X u n n e r s .~~

Examined by P. S. Davis:

Q You say you were ~~there~~ only there two days and a half? A Yes sir.

Q Do you remember returning back there at any time? A No sir, I moved back out to Claremore right away.

By the Commission:

Q Where were you living at the time you did the work on this house?
A About twelve miles southwest of Southwest City, in the Delaware District.
Q Who came after you to get you to do this work? A Mrs. Prather.
Q At the time she came after you where was she staying, do you know?
A No sir, I do not, she come down to my house.
Q You don't know whether she was living in Southwest City or somewhere else at that time? A She was living at her home in Southwest City part of the time, and she told me she had been on the

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., October 24, 1902.

In the matter of the application of Lenora Prather for the enrollment of herself as an intermarried citizen, and for the enrollment of her children, Sam Houston and Maggie Prather, as citizens by blood of the Cherokee Nation:-

Applicant appears by her attorney, Preston S. Davis, Vinita, Indian Territory, Cherokee Nation by J. C. Starr.

Preston S. Davis, being sworn, testified as follows:

On October 3, 1902, I testified before this Commission in this case, and my testimony was reduced to writing and since that time a transcript has been handed to me of that evidence, a copy of which I now hold in my hand. I notice in this evidence since reading it over that it shows this question was asked me: "Has she not lived out (referring to the Applicant, Lenora Prather), and my answer was "No sir" I desire now to modify the same. I don't know whether she has lived out of the nation or not and didn't now intend to state as a positive fact that the applicant had not lived out of the Cherokee nation, and that the last question asked me, as I see now from this testimony was, "She was living in the Cherokee nation on the 28th of June, 1898, was she?" My answer was at that time "Yes sir". That answer was an oversight on my part and I didn't intend to state that as a fact; I don't know whether she was living in the Cherokee nation on June 28, 1898, or not, although that was and is now my understanding concerning the same; but to state that as a positive fact I am not able to do and didn't intend to do it when I gave in this testimony.

J. C. Starr:

- Q How long have you known Lenora Prather? A I knew Lenora Prather in Arkansas when her name was Lenora Jackson, and I have known who she was and I have known her since I came to the Territory in the fall of '95.
- Q Where was she living when you came to the Territory? A I am not able to say; she was living east of Vinita; I can't say whether she was living in the Nation or in Missouri; I have known the woman and knew her before I ever went to the Territory in '95.
- Q Do you remember of seeing her any time during the year 1898? A Well, yes sir; to state I remember any distinct time I couldn't; I seen her along during that time because I represented her in her estate matters along after the death of her husband.
- Q You don't remember of any particular time? A No sir, I can't remember any particular time outside of that when I ever saw her.

Jesse O. Prather, being sworn and examined, testified as follows:

By P. S. Davis.

- Q State your name to the Commission? A Jesse O. Prather.
- Q How old are you? A I will be twenty-two the 16th of January.
- Q Where do you live? A I live at Grove.
- Q How long have you lived over there or in that vicinity? A I have lived off and on ever since about '85.
- Q Do you know Lenora Prather, the applicant in this case? A Yes sir.
- Q Did you know Richard L. Prather in his lifetime? A Yes sir.
- Q What kin were you to Richard L. Prather? A He was my father.

- Q What kin are you to Lenora Prather? A She is my stepmother.
- Q Do you know Baxter Prather? A Yes sir.
- Q What kin are you to Baxter Prather? A He is an uncle of mine.
- Q What kin was he to Richard L. Prather? A Brother.
- Q Where were you living along in the early part of first part of June this year, 1902, in reference to where Baxter Prather lived?
- Q I was living close to Sallisaw.
- Q How far from where Baxter Prather lived? A Over one hundred miles.
- Q Were you up to Baxter Prather's place on Cowskin prairie along in June, 1902, were you living up there? A Yes sir.
- Q My question was where were you living in the early part of June, 1902? A At Grove, Indian Territory.
- Q Then you were not living at Sallisaw at that time? A -No sir, I didn't understand the question.
- Q How far were you from where Baxter Prather lived in June, 1902?
- A About three miles.
- Q Were you on friendly terms with him at that time? A Yes sir.
- Q Did you go out there frequently? A Yes sir.
- Q I will ask you if he ever sent you over to see Lenora Prather in regard to her giving up a certain note she has?

J. C. Starr: Objected to by the representative of the Cherokee nation for the reason that it is irrelevant and immaterial.

Commission: Answer the question.

- Q Did she ever send you over there with reference to the note?
- A Yes sir.
- Q I will ask you to state to the Commission what Baxter Prather told you to say to Lenora Prather concerning this note, and what you did say to her when you went over to see her about it? A I went over to get him to come to Muskogee for me.
- Q You went to see him Baxter? A He wouldn't do that. He told me to go back and tell Lenora that if she would give up the \$150.00 note she had of his that he would go and that if she didn't he would do everything he could against her.
- Q Did you tell her that? A Yes sir.
- Q Where was it that you and Lenora Prather wanted him to come? A To Muskogee.
- Q What for? A To be a witness in our case.
- Q Where? Before the Dawes Commission? A Before the Dawes Commission.
- Q You say he refused to do that? A Yes sir.
- Q And made this statement to you? A Yes sir.
- Q Did you tell Mrs. Prather that? A Yes sir.
- Q When was this that you went to him and this conversation was had and you told Mrs. Prather about it? A About the first of June.
- Q Did you ever hear Baxter Prather say that he would do or give anything to keep Lenora Prather from being enrolled? A He said he would give twenty-five dollars to keep her off the roll.
- Q How many times did you hear that? A About a dozen.
- Q Frequently was it? A Yes sir; most every time they talked about it.
- Q Did he tell you what note it was that she held? A The note that she had against him she sued him for a portion of that estate that he kept back.
- Q It was a note that he had given her to balance up the suit in the estate? A Yes sir.
- Q Do you know whether she gave up that note or not? A I don't think she did.
- Q She didn't send it back by you did she? A No sir.

J.C.Starr: Where were you living in 1895? A I was living right beyond Sallisaw, close to Hanson.

Q Where were you living when your father died? A We were going to school at Southwest.

Q How long did you continue to live at Southwest City you yourself?

Q We weren't there very long.

Q Where did you go from Southwest City? A I went to Rogers to school.

Q How long did you stay there? A About three months.

Q Where were you in 1898? A I was with my sister close to Hanson, Indian Territory.

Q How long did you stay there? A I staid there about six months I guess.

Q What time in '98 was that? A That was in the fall of '98.

Q What did time did you go to Hanson in '98? A I don't remember the dates, I know I was there about six months, then I went from there to my grandfather in Arkansas and stayed there a few months and went to school and then I come back up here.

S. P. Bagby, being sworn and examined, testified as follows:

By P. S. Davis: State your name? A S. P. Bagby.

Q Postoffice? A Grove, Indian Territory.

Q How old are you? A Thirty-two years old.

Q What business are you engaged in? A Farming and stock business principally.

Q Are you acquainted with Lenora Prather, the applicant in this case?

A Yes sir.

Q How long have you known her? A Well, I have known her about fifteen years possibly. I wasn't so well acquainted with her up until about two or three years.

Q You have known who she was for about the last fifteen years?

A Yes sir, I knew her father at Maysville then.

Q Did you ever live near Beptonville, Arkansas, where she lived?

A Yes sir.

Q How far from where she lived? A About fourteen or fifteen miles west.

Q Was that before she married Richard L. Prather? A Yes sir.

Q Where were you living in January, 1897? A Moved to what is known as Bert Hampton's farm on Cowskin prairie; about the first of January we got possession of it.

Q Of what year? A On '97.

Q Where is this Bert Hampton place situated in reference to Lenora Prather's place? A Adjoining farms.

Q How long did you live on this place after you moved in from the first to the tenth of January, '97? A Two years.

Q Was Lenora Prather living on her farm when you moved down on the Hampton place in January, '97? A No sir, I think not.

Q When did she move down on her place and been living there after you moved on the Hampton place? A Some time in the spring of '98 she moved out from Southwest City.

Q Your best judgment, what time in the spring of '98? A To my best judgment it was some time about May; it might have been the first of June. I rather think in May.

Q In 1898? A Yes sir.

Q How do you fix this time? A I can very well remember it was '97 the time I moved there and being somewhat acquainted with the people; the man that lived on the place had taken charge of it lived across on the Prather farm, Mr. McMahan, and he taken possession of the house that Mrs. Prather moved into the second day I was on the place.

Q McMahan took possession along after Mrs. Prather moved out? A That

- is the reason I believe.
- Q Were you ever over to Mrs. Prather after she moved onto the place along in May, 1898? A I was by there, I believe I was through the house at one time, I disremember the other.
- Q What did she have in the house? A Stoves and beds and some furniture.
- Q And a kitchen stove? A Yes sir, stoves.
- Q Was she keeping house there or not? A Yes sir, she came out there and staid for awhile, I don't remember the time she staid there; she would go back to Southwest City over night and then bring back some other stuff. She was there during the summer from the time she moved, I am not positive how long, it was cold. I believe she had a brother building a house there or repairing it or something and she was out there during this time? If I aint mistaken they come down there and got some work done by my place, about three hundred yards of my place, and he stated that his sister had gone to town and wanted to get some cooking done.
- Q These work hands of Lenora Prather got your folks to do some cooking for them during the time when Lenora Prather was in Southwest City on business? A Yes sir.
- Q Now you state that your house was about three hundred yards from where Mrs. Prather lived after she moved down on her farm in the apring of '98? A Yes sir.
- Q About how much of the time did she stay on this place after she moved down there? A She was there backward and forward; I guess she stayed there as much as one-half of the time and possibly more the best of my recollection.
- Q How long did you know her to stay there at any time when she would come back? A I couldn't hardly be positive as to how long, a week or something like that or two weeks and probably a month; she might have been gone a month during that time. I passed there every day, but I couldn't be positive how long she ever staid at one time.
- Q Did she have her child with her when she was down there? A Yes sir.
- Q Did her brother and these men fix the roof on her house before she moved or while she was living there? A At the time she was living there; they used her beeding and stayed there in the house.
- Q How many houses was on her place at thattime? A Two houses on this tract of land that was known as her place at that time.
- Q Was there anybody living in the house that she took possession of when she first moved down there besides herself? A No, I believe not.
- Q Do you know about when it was that these parties fixed the roof on her house, her brother and these parties? A I was building a corn crib just before corn gathering time, when this man was over to my house saying something about boards, or else I got them from him, I don't remember, but I was building a corn crib to gather corn in September, I wouldn't be positive.
- Q About what month was it? A In September I think.
- Q In September, '98? A Yes sir.
- Q Are you able to state of your own knowledge whether or not Lenora Prather ever left the Territory to make her home in the states permanently after the time she moved down on the place in May, '98? A I couldn't say that she ever did, I don't know it, I couldn't say she did or did not.
- Q Have you known her since that time? A Yes sir.
- Q Has she always been living or making her home in the Territory since then or partly so? A Yes sir, so far as I know she has lived at Grove for the last two or three years.
- Q Do you know where she is living now? A Yes sir.
- Q Where? A In the town of Grove.
- Q Has she had this farm to your knowledge since she moved down in the early spring of '98? A Yes sir.
- Q She has always owned the farm? A My uncle rented the place from

- her two years; I was there when they made the contract.
- Q She still owns the farm? A Yes sir.
- Q Are you living in that neighborhood yet? A I live at Grove.
- Q Have you been living there ever since you took possession of the Hampton place in '97, in that vicinity? A Yes sir.
- Q Are you any kin to Lenora Prather. A No sir.
- Q Have you any interest in this suit? A No sir.
- J. C. Starr How long did you say Mrs. Prather had been living in Grove?
- A I have been there a little over two years I believe; she was there when I come there, probably two years or not so much.
- Q You are not sure? A No sir, not right positive.
- Q When did you say she come out to the farm to live there? A In '98
- Q What time? A Along in the spring.
- Q What property did she take out there? A Household goods.
- Q How much household goods? A I couldn't say how much; I was in the house at one time - stoves, beds and chairs.
- Q You were just in the house one time that year? A I wouldn't be positive, I remember of one time going over there for something in the house; I wouldn't say I might have been there more times. I remember this one time.
- Q Isn't it a matter of fact, didn't she spend about as much of her time in Southwest City as she did out there? A I couldn't be positive about that because she was there; as I told you she would be over there a day or two and then she would be back when I would go by there. I couldn't say positively whether she was in Southwest City more or less or on the place.
- Q Didn't she have a house in Southwest City at that time? A Yes sir, I think so.
- Q Didn't she stay at her house in Southwest City when she left her farm? A Yes sir.
- Q Didn't she go back to Southwest City when she left the farm?
- A I am not acquainted as to that Mr. Starr.
- Q You don't know how long she lived in Southwest City after this time?
- A No sir, I do not.
- Q Isn't it a matter of fact that she moved from Southwest City to Grove when she moved to Grove? A I couldn't say that, possibly so, but I wasn't acquainted with her affairs, I couldn't say whether she moved her stuff from Southwest City or not, I am not acquainted
- Q Do you know what time in 1898 it was that you were through her house?
- A It was sometime during the spring, May or June. I couldn't state exactly.
- Q Are you positive that it was the year 1898? A I am positive it was the year 1898.
- Q Are you sure it wasn't 1899? A I told you I was positive.
- Q How do you know it was 1898 when you saw her out there? A I am positive I lived on this place two years and it was the second year I lived there.
- P. S. Davis: You moved down there in '97? and it was the next year after you moved down there? A Yes sir, that is the time, and that is how I am positive.
- Q You had a contract with him to take possession in January '97?
- A Yes sir.

The undersigned being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 25th day of November, 1902.

(Signed) B. C. Jones

Seal.

Notary Public.

DEPARTMENT OF THE INTERIOR/
Commission to the Five Civilized Tribes.
Muskogee, I. T., October 31, 1902.

In the matter of the application of Lenora Prather for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation; and for the enrollment of her two children Sam Houston Prather and Maggie Prather, as citizen by blood of the Cherokee Nation.

A p p e a r a n c e s :

Preston S. Davis, Esq., of Vinita, for applicants.
W. W. Hastings, Esq., for the Cherokee Nation.

By Mr. Hastings: The Cherokee Nation offered in evidence a certified copy of the application of Lenora Prather to be appointed as administratrix of the estate of R. L. Prather, deceased, in McDonald County, Missouri, on the 10th day of January, 1895, together with a certified copy of the letters of administration; also a certificate of J. P. Caldwell, Judge and ex-officio Clerk of the Probate Court of McDonald County, Missouri, certifying that Lenora Prather, as administratrix of the estate of R. L. Prather, deceased, made final settlement of said estate on the 24th day of December, 1898.

Mr. Davis: Applicant objects to the introduction of any certificate which purports to give any facts that can be given by living witnesses, the ruling of the Commission being that they have to produce witnesses where they can be produced, and applicant says that ~~that~~ the same ruling should be applied to the Cherokee Nation; and as to the letters of administration, we object; and we object to the giving ----

Mr. Hastings: The Cherokee Nation introduces that testimony for the purpose of showing that, if Lenora Prather was appointed administratrix of the estate of R. L. Prather, deceased, in McDonald County, Missouri, she must have been a citizen and resident of that ~~xxxxxx~~ county and state, and that she must have intended to remain a citizen of that state and county until final settlement of the estate, which, as this certificate shows, was made on December 24, 1898.

Mr. Davis: Applicant objects to the introduction of the testimony of counsel for the Cherokee Nation, he not being under oath. Letters of administration have been introduced showing that the applicant was administratrix of the estate of R. L. Prather, deceased, in December, 1898. The law nowhere requires a certificate showing that the applicant was a resident of Missouri in 1898 or 1899, when the settlement was made to the Court, it being a familiar fact that the administratrix may settle up an estate after having removed from the state where the administration is pending; therefore we object to this certificate as evidence, because the Commission by its ruling requires that these matters be proven by witnesses.

Mr. Hastings: The Cherokee Nation desires to introduce the testimony of James Turner.

James Turner, called as a witness on the part of the Cherokee Nation, being duly sworn by the Commission and examined, testified as follows:

Examined by W. W. Hastings:

Q What is your name? A James Turner.

Q What is your age? A Forty four.

Q What is your postoffice address? A Southwest City, Missouri.

- Q Do you know Lenora Prather? A Yes sir.
- Q Did you know her when she became the wife of R. L. Prather? A I did.
- Q Where was she living at that time? A She was living in Mayeville, her folks was; she was living with them I suppose.
- Q After her marriage to R. L. Prather, where did she live? A At Southwest City, Missouri.
- Q Was she living at Southwest City, Missouri at the time of R. L. Prather's death? A Yes sir.
- Q Do you know about when that occurred? A It was, I think it was in 1894 or 1895. I aint positive as to that.
- Q Did she continue to live there after his death? A Yes sir.
- Q How long did she continue to live in Southwest City, Missouri after the death of R. L. Prather? A Why, I don't remember distinctly, it was some four or five years.
- Q When did she live there, from his death for four or five years afterwards you say? A Yes sir, I think about that.
- Q Well, when did she leave Southwest City? A She either left there in the spring of 1899 or 1900, I aint positive which. It was either in 1899 or 1900 that she moved from there to the Grove.
- Q Was that over in the Cherokee nation? A Yes sir.
- Q Did she live in Southwest City, Missouri, continuously from the time of her marriage to R. L. Prather up until she left there, as you say in the spring of 1899 or 1900? A Well, I can't say as to that positively; that was her permanent home I guess, but she was gone one summer from Southwest City after that.
- Q Where was she gone? A I don't know, but she was gone during the summer.
- Q Where were you living then? A At that time I was living northwest of Vinita, about ten miles.
- Q You never heard where she was gone? A No sir.
- Q Do you know what summer it was she was away? A No, I aint positive.
- Q Was it before or after R. L. Prather's death? A It was after.
- Q How long after? A I think it was two years after his death.
- Q Then it was in 1896 or 1897? A It must have been.
- Q That was summer, then, that she was gone, she was gone part or all of the summer? A I don't know how long.
- Q Do you know if she retained her home and residence in Southwest City? A All she had on the place was there I suppose.
- Q Did she have a house over there? A Yes sir.
- Q Did she keep house there? A Yes sir.
- Q Did she own a home or rent a house? A I suppose it was hers, along with the estate. I suppose it was hers, as long as she retained it.
- Q Mr. Turner, I will ask you if your wife is any relation to Lenora Prather? A She is not.
- Q Isn't she her step-mother? A Yes sir.
- Q No blood relation? A No sir.
- Q With the exception of that one summer she was gone, she resided, after her marriage to R. L. Prather, in Southwest City, Missouri, until the spring of 1899 or 1900? A Yes sir.
- Q She made that her home? A Of course she might have been out and in somewheres, I don't know where all she had been, but there was her home.
- Q Theres where her household effects were? A Yes sir.

Examined by P. S. Davis:

- Q Did you know Lenora Prather before she married? A Yes sir.
- Q What was her name before she married? A It was-- I aint positive whether I can give her name now before she married; I can give you her maiden name.
- Q Well, what was her name when she married R. L. Prather, you say

- you know her? A I can't say what it was now.
- Q You don't know what her name was? A Her name was Lyons.
- Q What Lyons? What was her given name? A Lenora.
- Q Have you been keeping tab on Lenora Prather ever since she married Richard L. Prather? A I have been close to them in a business way.
- Q You have been keeping account of her, and putting down an account of her in a book, haven't you? A No sir.
- Q How do you know where she has been and where she hasn't been?
- A For the simple reason I have been in her house often.
- Q Where were you living in the early spring of 1898? A In Coowee-scoowee District about ten miles northwest of Vinita.
- Q How far is it from Vinita to Southwest City? A About forty miles.
- Q Do you know where Lenora Prather was living in the early spring of 1898, the last of May or the first of June, of 1898?
- A She was in Southwest City.
- Q How do you know? A I was there.
- Q Are you able to swear of your own knowledge that she was keeping house and living in Southwest City in May or June, 1898, of your own personal knowledge now? Do you know for certain she was there?
- A To the best of my knowledge she was living there.
- Q You say you knew Richard L. Prather in his lifetime? A Yes sir.
- Q Did he have a place near Grove, Indian Territory, while he was living?
- A Yes sir.
- Q Didn't he own that place at the time of his death? A Yes sir.
- Q Isn't it a fact that the applicant in this case has owned that place ever since his death? A Yes sir.
- Q Doesn't she now own it? A Yes sir.
- Q I will ask you if it isn't a fact that Lenora Prather lived on her place down there in the latter part of May or the early part of June, 1898? A I can't say positive as to that. I know she lived some place down there in 1898.
- Q Do you remember what time in 1898? A No sir.
- Q Wasn't it in May or June, 1898? A I don't know.
- Q Wasn't it in the spring? A I ~~don't know~~ It was sometime in the summer.
- Q Of 1898? A Yes sir.
- Q She lived on this place that they owned at the death of her husband?
- A Yes sir.
- Q Isn't it a fact that from the time she moved down there up until the present time, if she hasn't made the Territory as much her home, if not more, than she has the state of Missouri. A ~~xxxxxxx~~ I guess from that time to this she has made the Territory more her home than anywhere else.
- Q More than she has Missouri? A Yes sir.
- Q Where is she living now? A At Grove.
- Q Still on this place you are talking about? A Yes sir.
- Q Are her children living with her? A Yes sir. That is, I suppose they are; they was not long since.
- Q You say your wife is her step-mother? A No sir, I said she is my wife's step-mother.
- Q Lenora Prather is your wife's step-mother? A Yes sir.

Examined by Mr. Hastings:

- Q I will ask you if she moved herself down on this place when she moved this stuff down there in the spring of 1898, or whether she moved down there in 1899? A She moved those things on the place in 1898.
- Q Where did she continue to live? A She was living at Southwest City at the time she moved there; after she moved the things there.
- Q Did she continue to live in Southwest City? A She was backwards and forwards to Southwest City.
- Q ~~Did she have household goods up there?~~ A ~~Part of them.~~ *She was in Southwest City.*

- Q When did she finally move from Southwest City down on the place?
 A It was either in 1899 or 1900, I wouldn't say positive which. I never taken down an account of it as Mr. Davis says.

Examined by Mr. Davis:

- Q But from the spring or summer of 1898, up to the present time, you say that she made the Territory more her home than Missouri?
 A Yes sir.
 Q She's been living in the house on the place? A I don't know that she made the place her home.
 Q She had some household stuff there? A Yes sir.
 Q And she made that more her home than Missouri? A She made Grove her home.
 Q She had a house in the "Grove too? A Yes sir, and she has now.

By Mr. Hastings:

- Q What I am trying to get at is not from 1898 up to the present time, but in the year 1898, where did she make her home during the year 1898, up to the spring of 1899? A I think she made it at Southwest City, Missouri.

By Mr. Davis:

- Q You say in the spring of 1898 she moved on the place?
 A In 1898, in the spring, she moved some things on the place.
 Q From the time she moved up till now she has made her home more in the Territory than in the state? A Yes sir.

By Mr. Hastings:

- Q From 1898 up to the present time would be four years? A Yes sir.
 Q You mean by that that during the majority of that time, which would be three years, a majority of that time, she has lived and made her home in the Territory? A Yes sir.

By Mr. Davis: Applicant objects to that for the reason that he is his witness, and the question is leading and argumentative, and calling for a conclusion of the witness, he being the Cherokee Nation's witness.

By Mr. Hastings:

- Q He is asking you if you know the majority of the time from the spring of 1898 up to the present time. What I am trying to get you to do is to apply this ~~time~~ to the year 1898; of course, three years from the spring of 1898 to the present time would be a majority of four years, but how about the year 1898?

By Mr. Davis: Applicant objects to counsel for the Cherokee Nation making an argument by way of explanation to his witness as to his question and as to the answer he wants from the witness, with his own witness, and same being uncalled for and out of the rules of evidence and contrary to law.

The Witness: I can answer the question.

Mr. Hastings: Well answer then.

The Witness: Up to the present time since 1898, she has lived a majority of the time in the Territory.

- Q How about during the year 1898? A Well, during the year 1898, I suppose she lived more in the state of Missouri.
 Q Don't you know it? A Yes sir, I will say I know it.
 Q And she moved down there in 1899 or 1900? A Yes sir, I aint

positive which year.

- Q Then you meant that, taking the whole length of time from the spring of 1898 to the present time, which is four years, that a majority of four years she has lived in the Territory? A

By Mr. Davis: Applicant objects to that because it is argumentative and leading.

Mr. Hastings to witness: Is that what you mean? A Yes sir, that's the way I construed it.

- Q You didn't mean to say that she lived the majority of 1898 in the Territory? A No sir.

By Mr. Davis:

- Q You mean to say that, in the spring of 1899 or 1900, she quit living altogether in Southwest City, in the state of Missouri, and lived from that time on, subsequently, in the Cherokee nation? A Yes sir.
- Q From the time she first moved onto this farm in the spring or summer of 1898, as you have testified, I will ask you if, from that time on she has lived more in the Nation than in Missouri? A She has up to the present date.
- Q Do you say then, from the time she first moved from the state of Missouri into the Cherokee Nation, she has spent the greater part of her time in the Cherokee Nation? A Yes sir.
- Q And finally, in the spring of 1899 or 1900, she moved altogether to the Cherokee nation, and quit going back to Missouri? A I won't say she quit going back, but she made her home in the Cherokee Nation, at Grove.
- Q From the time she moved down there in the spring of 1898, she has been in the Territory more than she has in Missouri? A Yes sir.
- Q From the time she started in on that place she has been the most of her time in the Territory? A Yes sir.
- Q And from 1899 or 1900, she has quit living in Missouri, and made her home in the Cherokee nation? A Yes sir.

By Mr. Hastings:

- Q Mr. Turner, do you understand from the purport of this question that he includes not only the year 1898, but he crowds the years all since then together, and then he makes you say that from the spring of 1898, all during the years 1898, as well as these other years since then, that she lived the majority of the time in the Cherokee Nation; do you mean to say that she lived the most of the time of 1898 in the Cherokee Nation.

By Mr. Davis: Applicant objects to any argument by way of explanation made by counsel for the Cherokee nation to his own witness, the same being his own witness, and he has no right to lead the witness or to make any argument to him as a witness, as to the question he wants answered.

By Mr. Hastings:

- Q He comes in and confuses you every time by putting in this objection, I want you to understand what I say to you now, I want you to be frank with this Commission and say if the year 1898, segregated from all other years, where did she live that year, the year of 1898?
- Q I will say she lived in Southwest City, Missouri, most of the time during that year.

By Mr. Davis:

- Q Isn't it a fact, and haven't you testified that from the time she

moved down in the spring of 1898, if she didn't spend the most of her time in the Cherokee nation? A Yes sir.

Q She hasn't spent any of her time in Missouri since she moved permanently? A No sir.

Q Then, since she has been going back from the Territory to the state of Missouri, she has spent the greater part of the time in the Territory? A That's owing to what time she has been going backwards and forwards.

Q Isn't it a fact that she spent a greater part of the time in the Territory? A I said since 1898 up to the present time, yes sir.

Q Since she moved there, she has been there all the time? A Yes sir.

Q During that time, since she has been going backwards and forwards didn't she spend the most of her time in the Territory? A Yes sir.

By Mr. Hastings:

Q She didn't spend the most of the time of 1898 here did she?

A No sir.

By Mr. Davis:

Q Where were you living in 1898? A Part of the time in Cooweescoowee District, near Vinita.

Q How far from Southwest City, Missouri? A About 45 or 50 miles.

Q Do you know of your own knowledge what Lenora Prather was doing then?

A I was over there a part of the time.

Q You made a crop near Vinita, and spent most of your time in Southwest City? A I was on Cowskin prairie.

Q Do you know what Lenora Prather was doing during the year 1898, of your own personal knowledge? A No sir.

Q Then you don't know whether she was spending the most of her time in the state of Missouri, or in the Indian Territory? Are you able to state of your own knowledge? A Yes sir.

Q Able to state what? A I am able to state that she spent the most of the time in Southwest City.

Q From January to November, 1898? A Yes sir.

Q You were spending all of your time in the Territory? A No sir.

Q You were living ten miles northwest of Vinita, fifty miles away and yet you know that Lenora Prather spent more time in Southwest City Missouri, than she did in the Cherokee Nation? Is that what you mean to say, to this Commission; up to November. From January to November, now, in 1898? A No sir, I can't say that because I wasn't there. She made that her home; but I wasn't with her all the time, and I can't say that.

By Mr. Hastings:

Q You had some settlement of an estate with her, didn't you?

A Yes sir, I did.

Q I will ask you if that didn't throw you with her more or less during that time? A Yes sir.

Q During the time you knew her where was she living, during 1898?

A In Southwest City, Missouri.

Mr. Hastings: Comes now the representatives of the Cherokee Nation, and move to continue this case until November 10, 1902, for the purpose of securing additional testimony as to the residence of Lenora Prather in 1898, and particularly on June 28, 1898.

A. B. Hoss, called as a witness in behalf of the applicant, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Davis:

- Q State your name? A A. B. Hoss.
 Q What is your age? A I am fifty four.
 Q What is your citizenship; United States or Cherokee? A United States.
 Q Where do you live? A At Southwest City, Missouri.
 Q How long have you lived there? A Nine years.
 Q Are you acquainted with Lenora Prather, the applicant in this case?
 A Yes sir.
 Q Were you acquainted with her husband, Richard L. Prather, in his lifetime? A Yes sir.
 Q How long have you known these parties? A Ever since I have been in Southwest City--nine years.
 Q Where were you living at the beginning of the year 1898? A At Southwest City, Missouri; the same place I have always lived since I have been there.
 Q Did you know Lenora Prather at that time? A Yes sir.
 Q Where was she living at that time? A Right next door to where I lived.
 Q Do you know of Lenora Prather moving away from Southwest City, Missouri, in the spring of 1898?

Mr. Hastings: Now don't put the words in his mouth.

- Q Do you know of her leaving at any time? Do you know of her moving anywhere? A It was in April, 1898, I suppose.
 Q Where did she go? A To the Territory; that's what she said, on one of her farms.
 Q Do you know whether or not, during the lifetime of her husband, they owned a farm in the Cherokee Nation? A Yes sir, 2 or 3 of them.
 Q Do you know whether or not they had one near Grove, Indian Territory? A Yes sir, the farms lay in that direction from Southwest City.
 Q Then Lenora Prather moved in April, 1898, as you remember it, to the Territory? A Yes sir.
 Q Where did she make her home from that time on? A She was in the Territory most of the time, occasionally she was on her place at Southwest City until she sold it.
 Q Do you know when she sold her place in Southwest City? A I think it was in 1899.
 Q From the time she moved in April, 1898, or in the spring of 1898, during the year 1898, where did she make her home? A It was pretty well divided up between the two places, the place in the Territory and Southwest City; she had a place in the Cherokee Nation she looked after.
 Q She would go back and forth? A Yes sir.
 Q Do you know why she moved to the Cherokee Nation? A She said she moved there on account of holding her right as a citizen.
 Q Did she have any children at that time? A Yes sir.
 Q Did she take her children with her? A Yes sir.
 Q Were you ever down to her place after she moved? A No sir.
 Q Does she still own this same place? A I can't say.

- Q Where is she living now? A She is living at Grove.
 Q Cherokee Nation? A Yes sir.
 Q Do you know how long she has been living in the town of Grove?
 A No sir.
 Q Who subpoenaed you here as a witness? A The Cherokee Nation.
 Q How many times have you been subpoenaed by the Cherokee nation as a witness? A Twice.
 Q When were you to have appeared here before Mr. Hoss? A On the 15th of October, I think.
 Q Did you appear? A No sir.
 Q Why?

By Mr. Hastings: I submit that it don't make a partical of difference on earth this man appeared at any other time; and furthermore, we never would have granted them the courtesy of calling up this case; and they could have stayed here all night, but in order to accomodate them we agreed to call this case---

By Mr. Davis: Applicant desires to state that the counsel for the Cherokee Nation insinuated that the attorney for the applicant had been talking to the witness, and these questions are simply being asked to show that this witness has not been tampered with by the applicant in any manner, shape, form or fashion, and I desire to ask my question why he didn't appear on October 15.

- Q Why didn't you come Mr. Hoss? A The train was late in coming from Neosho to Vinita, and I didn't get there in time.
 Q I will ask you if I have ever talked with you in regard to what your testimony in this case would be? A No sir.

By Mr. Hastings:

- Q Didn't you talk with him this morning about this case? A I didn't see him this morning.
 Q Havn't you talked with him today about it? A Only Mr. Turner and I together wanted him to get the case up so we could get away on the train.
 Q He didn't talk out there with you about it? A No sir.
 Q Didn't he tell you he wanted you to testify? A He came down awhile ago and told me.
 Q Didn't he ever tell you that before? A No sir.
 Q What did this woman take out there to this place in 1898? A She took a lot of furniture and cooking utenils.
 Q Did she keep part of her furniture in town? A She kept part of it, yes sir.
 Q Any beds or bedding? A I don't know.
 Q How far did you live from her? A The houses are about forty feet apart.
 Q Why don't you know whether she had any furniture in the house?
 A I don't think she did.
 Q Didn't you see her there cooking and eating there after April, 1898?
 A When she came back she did.
 Q She cooked and ate there didn't she? A Yes sir.
 Q She occupied the house until she sold it, didn't she?
 A Part of the time.
 Q Did anybody else except herself occupy it until she sold it?
 A I won't be sure, but she had a party living there part of the time, I think.
 Q But she had some things there all the time? A Yes sir.

- Q And she staid there herself until she sold it in 1899? A She staid there when she came back from the ~~Texas~~ Indian Territory.
- Q Did you ever see her in the Territory? A No sir.
- Q Did you ever see any of her farms? A Yes sir.
- Q When? A I can't say; I saw them this last spring. I was driving out through the country, and they were pointed out to me.
- Q That was the first time? A Yes sir.
- Q You never saw the farm in 1898 did you? A No sir.
- Q All that you have testified about her being there you have heard? A Yes sir.
- Q You never saw her on the farm in 1898? A No sir.
- Q But you did see her in Southwest City, Missouri? A Yes sir.
- Q You saw her leaving there? A Yes sir.
- Q And she lect that place in 1899? A Yes sir.

By Mr. Davis:

- Q You were living in Southwest City in 1898? A Yes sir.
- Q You were not living near Grove at that time? A No sir.
- Q What business were you engaged in? A I was book keeper in the bank at Southwest City.
- Q Are you still in that business? A Yes sir.
- Q Have you any interest in this case? A Not a bit.
- Q You are not kin to the parties involved? A No sir, none whatever.

E. C. Bagwell on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) E. C. Bagwell.

Subscribed and sworn to before me this November 3, 1902.

(SEAL.)

(Signed) B. C. Jones,

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., November 10, 1902.

In the matter of the application of Lenora Prather for the enrollment of herself as a citizen by intermarriage, and her two minor children, Sam Houston and Maggie Prather, as citizens by blood of the Cherokee Nation.

A p p e a r a n c e s .

Preston S. Davis, Esq., Vinita, for applicants.
W. W. Hastings, Esq., for Cherokee nation.

TESTIMONY ON BEHALF OF CHEROKEE NATION.
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D. H. Wilson, being duly sworn by the Commission, and examined, testified as follows:

Examined by W. W. Hastings:

- Q What is your name? A D. H. Wilson.
Q Where do you live Mr. Wilson? A Vinita, Indian Territory.
Q Are you a practicing attorney up there? A Yes sir.
Q Where did you live during the year 1898? A At the same place, Vinita.
Q I will ask you if you knew R. L. Prather, during his lifetime?
A No sir.
Q I will ask you if you knew his widow after his death? A Yes sir.
Q I will ask you if you had anything to do with R. L. Prather's estate?
Q Yes sir, I was appointed administrator on it.
Q When were you appointed administrator of the estate of R. L. Prather, deceased? A In November, 1898.
Q I will ask you if you took any steps to appraise his effects?
A Yes sir.
Q Were you appointed by the United States Court at Vinita? A Yes sir.
Q When did you have appraisers appointed and make an appraisement of the estate? A It was in November, 1898, right away after I was appointed.
Q Well, where was the property belonging to the R. L. Prather estate situated? A It was on Cowskin prairie in the Cherokee Nation, excepting some debts that were transitory, of course, at different places.
Q Did you ever go over on Cowskin prairie in the Cherokee nation to look over this property? A Yes sir.
Q Did you go with the appraisers? A Yes sir.
Q Do you remember who appointed them? A I selected them, under the law the administrator selects the appraisers.
Q Who were they? A Nat Perry was one, another was Erastus Leonard, and I am not sure but I think Hugh Sellers was one, and then a day or so later I appointed three more because of the different location of ~~xxxxxxx~~ this property, and I couldn't practically take these with me. I don't remember the last three.
Q Well, did you find Mrs. Prather out on this farm in Delaware District, Cherokee Nation? A No sir.
Q Well, during this time, while you were making this ~~appointment~~ appraisement, did you see her? A Yes sir.
Q Where did you see her? A I saw her at her home in Southwest City, Missouri.
Q About what time was that? A That was during the month of November, 1898.
Q Did you go to her house? A Yes sir I was at her house.
Q Had you prior to that time made inquiry as to where she was?

- A Yes sir.
- Q Upon that you went to Southwest City? A Yes sir.
- Q You found her there? A Yes sir.
- Q You hadn't known her before that time? A No sir.
- Q Did she have any children? A My recollection is that she had two, and I think I remember seeing one.
- Q Well, she was keeping house there, was she, at that time?
- A Yes sir.
- Q Had household effects there? A Yes sir.
- Q Who administered upon her estate; was any part of Dick Prather's estate in Missouri? A I understand so, yes sir.
- Q Did you administer upon that? A No sir.
- Q Someone in the state of Missouri administered upon that? A Yes, I understand she did.
- Q Well, how long were you engaged with this estate as administrator?
- A Ever since; I have not been discharged yet.
- Q Did you have occasion to see her after that time? A Yes sir, I have seen her quite a number of times since then.
- Q Well how long after November, 1898, before you saw her again?
- A Well, I wouldn't be sure whether it was in the following spring, or a year from the following spring.
- Q You never saw her any more that year? A I think not.

Examined by P. S. Davis:

- Q What property did Lenora Prather have in the Cherokee Nation or estate of Richard L. Prather have in the Cherokee Nation in November, 1898, when you had the same appraised? A If Lenora Prather had any property I don't know of it. The estate of Richard L. Prather had property consisting of a number of farms over there on Cowskin prairie in the Cherokee Nation, and the crops that were on them.
- Q Were these farms improved? A Yes sir.
- Q What was their value in your judgment, of the improvements upon these various places? A Oh I don't know about that, I don't remember very well now. I expect they would approximate from fifteen to twenty-five thousand dollars.
- Q What live stock? A Didn't find any.
- Q Did you take charge of any as administrator of the estate of Richard L. Prather, deceased? A No, I think not.
- Q You say you inquired where Lenora Prather, the widow of Richard L. Prather, deceased, was living at the time you were over to appraise the effects of the estate? A Yes sir.
- Q I will ask you if you didn't learn, upon inquiry, that she was making her home, a portion of the time upon one of these places in the Cherokee Nation? A No sir, I didn't get any such information.
- Q Did you go to either one of the other places? A Yes sir, I was at all of them.
- Q I will ask you if she didn't have some of her household effects on one of the places, and she was spending a portion of her time there, and had full charge of the same? A No sir, I didn't learn that; although if there was a statement of that kind made, it might have been possibly made, and I may have forgotten, I wouldn't say.
- Q You don't remember then, whether that statement was made to you?
- A No sir.
- Q Do you know as a matter of fact, of your own knowledge, where Lenora Prather was living, the last of May, or first of June, 1898?
- A No sir.
- Q Your knowledge of Lenora Prather and her affairs dates from

- November, 1898, when you went up to make appraisement? A Yes sir.
- Q You said there was no property belonging to the estate that you had anything to do with, except some debts, outside of the farms and improvements you took charge of in the Cherokee Nation? A That's all.
- Q Do you know where Lenora Prather lives now? A Why I think she lives in the Indian Territory, at Grove. I was at her house once when I was at Grove since I was administrator.
- Q In the Cherokee Nation? A Yes sir.

Examined by W. W. Hastings:

- Q Did she make any representation to you, when you were there in Southwest City, in November, 1898, about her living over in the Cherokee Nation at that time? A No sir, I don't think she did; I am pretty well satisfied she didn't.

By Mr. Davis:

- Q Do you remember whether she did or not? A Not to that certainty that I could swear positively.
- Q Might she not have told you that? A She might.

By Mr. Hastings:

- Q Have you any reason to believe that she told you that?
- A No, my recollection is that she did not tell me anything of the kind.

By Mr. Davis:

- Q Did you say she might? A Yes, she might have done so.

Nathan Perry being duly sworn by the Commission, and examined testified as follows:

Examined by Mr. Hastings:

- Q What is your name? A Nathan Perry.
- Q What is your age? A Forty six.
- Q Where do you live? A Near Grove.
- Q Indian Territory? A Indian Territory.
- Q How long have you been living there, near Grove? In that neighborhood? A On that place about twenty years.
- Q Did you know Richard L. Prather during his lifetime? A Yes sir.
- Q Did you know him about the time he died in 1894? A Yes sir.
- Q Where was he living at that time? A Southwest City.
- Q Missouri? A Yes sir, Missouri.
- Q I will ask you if he had any improvements over here in the Cherokee Nation? A Oh yes sir, he had several hundred acres there right in the neighborhood.
- Q How far were the houses on those farms from you? A One place there is just a lane between my place and his.
- Q He was living in Southwest City at the time he died? A Yes sir.
- Q Did you know his wife? A I never saw her until about two years ago, I guess. No, I seen her first in 1899.
- Q Where? A She was at the place, this man McMahon lived on the place at that time.

- Q In 1899? A Yes sir.
- Q About what time in 1899? A Well, in the early part of the spring, I remember I was up there to see him about getting corn planted and she was there at that time.
- Q Do you know anything about her having lived on this place in the year 1898? A Well, if she ever lived there I never knew of it.
- Q You never knew of it? A No sir.
- Q You lived on the adjoining farm? A Yes sir.
- Q Well did she ever live there at any time? A Not that I know of.
- Q You never heard of it? A No sir.
- Q Were you one of the appraisers of the R. L. Prather estate, appointed by Mr. Wilson? A Yes sir.
- Q Do you remember when that was? A I think it was in 1898, in November or December.
- Q Of 1898? A Yes sir.
- Q Did you go around to these houses on the R. L. Prather farm at that time to inspect them with the view of appraising them? A We wasn't at this particular house, we met rather on the other side where there was some property further over there west, there was three places; this particular place she claims, I was on the place but not at the house.
- Q Did you see anything of her? A No sir.
- Q You didn't go over to Southwest City with them? A No sir.
- Q Do you remember whether inquiry was made as to where she lived at that time? A Yes sir, I remember of Mr. Wilson speaking of going down there the next day.
- Q To Southwest City? A Yes sir.
- Q But you didn't go? A No, I didn't go any further.

Examined by Mr. Davis:

- Q Mr. Perry, where do you live now? A I live on the same farm I have lived on there for twenty years, right east of Grove.
- Q How many farms did Richard L. Prather have on Cowskin prairie at the time of his death? A About three farms I believe.
- Q How far was each one of these farms from where you lived? A One was just across the lane from my place, just a lane between us; the place that this widow owns or farms is just across the lane.
- Q Well, where is the second one? A It joins this one she owns on the east.
- Q How far was the house on the second place from your house?
- A On the second place?
- Q Yes sir. A The house on her place is about three quarters of a mile from the house I live in.
- Q That is the one she claims? A Yes sir.
- Q How far is the house on the next place? A A mile and a quarter.
- Q How far is the house on the other place? A About two miles and a half.
- Q Do you mean to tell the Commission that this woman Lenora Prather didn't move down to one of these places and live there off and on, spending part of the time on the place and part of the time in Southwest City, the last of May or the first of June, 1898?
- A If she ever lived there I don't know of it.
- Q You won't say she didn't? A If she had I would have known of it.
- Q You don't mean to say she didn't do it? A No sir.
- Q You mean to say you didn't hear of it? A Yes sir.

By Mr. Hastings:

- Q Is that a prairie country? A Yes sir.
- Q How far can you see from your place? A While there is no timber there, all over Cowskin prairie.
- Q Is there any timber between you and the farthest place? A No sir.

By Mr. Davis:

- Q Who subpoenaed you? A Baxter Prather.
 Q What kin is Baxter Prather to Richard L. Prather, deceased?
 A Brother.
 Q Are you a neighbor to Baxter Prather? A Yes sir.
 Q A neighbor? A Yes sir.
 Q Do you belong to the same lodge? A No sir.
 Q You are friendly? A So far as I know we are, never had any difficulty.

C. E. Leonard, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Hastings:

- Q What is your name? A C. E. Leonard.
 Q Where do you live? A In Hineville.
 Q Missouri? A Yes sir.
 Q What is your age? A About thirty seven.
 Q Did you live in the Cherokee Nation in the year 1898? A No sir, I lived in the Seneca Nation on the line of the Cherokee Nation.
 Q In 1898? A Yes sir.
 Q How long did you live in that neighborhood? A About 2 years.
 Q Did you know R. L. Prather at the time he died? A Yes sir.
 Q How long had you known him? A About 12 or 14 years. I had lived neighbor to him before that.
 Q Where did you move from to the Seneca Nation? A From the Cherokee Nation, near Dick Prather's place.
 Q Did you know Dick Prather, or R. L. Prather's widow? A Yes sir.
 Q When did you first learn to know her. A When Dick married her.
 Q Where were they living when he died? A Southwest City.
 Q Missouri? A Yes sir.
 Q When did you next have occasion to see her after his death?
 A Why I seen her frequently after his death at Southwest City, in passing around I seen her between times. I went to her house in October, 1898.
 Q Where was she living then? A Southwest City, Missouri.
 Q Did you have a conversation with her in October, 1898? A I had a conversation with her in regard to some corn I had bought from the estate.
 Q Do you know how long she had been living there at that time?
 Q Why if she ever lived anywhere else except right there I didn't know anything about it.
 Q Well you were one of the appraisers appointed by Mr. Wilson to appraise the R. L. Prather estate? A Yes sir, part of it; The part near Southwest City.
 Q Do you remember when that was? A If I am not mistaken it was somewhere along the last of this month in 1898.
 Q The last of November, in 1898? A Yes sir.
 Q Did you go out to the farm at that time? Out to the Prather farm on the Cowardin prairie? A Why I had been to the farm that morning looking after some corn, and then went on to Southwest City to look after the corn business, and went over there to the other place southwest of Southwest City, and that's the one I helped to appraise.

- Q You helped to appraise one over in the Territory? A Yes sir. I had bought this corn from Judge Yeargain, the administrator, on the prairie, and I went over there to see about it, and Mr. Wilson come over there and stopped me from moving the corn, so I went with him to Southwest City to see Mrs. Prather and Judge Yeargain about the corn. Mrs. Prather was also hauling some of the corn I bought from Judge Yeargain to Southwest City.
- Q When you helped to appraise this other little place in November, 1898, where was she living? A At Southwest City.
- Q Do you know how long she continued to live there? A No sir, I do not. She moved to the Cherokee Nation I think in 1899. I was living at the Grove at the time she moved there.
- Q Do you know where she moved from there? A No sir, I don't.
- Q Well, it was after you went to Grove that she moved there, which was sometime after November, 1898? A Yes sir, it was in 1899.

By Mr. Davis:

- Q Mr. Leonard, do you know of your own knowledge whether or not Lenora Prather lived on one of the farms belonging to the Richard L. Prather estate in the Cherokee Nation during the year 1898, beginning along the latter part of May or the first of June, of that year, spending part of the time on the farm and part of the time at Southwest City?
- A No sir.
- Q You don't know if she did or not? A No sir.
- Q She might have done it and you not have known it? A Yes sir.
- Q You say in 1899 she moved to the town of Grove? A Yes sir, I think it was.
- Q Along in the fall of 1898 you saw her in Southwest City? A Yes sir.
- Q She was living there? A Yes sir.
- Q You say you don't know whether she was spending a portion of her time on one of the places or not? A No sir.
- Q Who served the subpoenas on you to come here? A Cale Starr.
- Q Was he over there on Cowskin prairie? A Yes sir.

J. C. Starr being first duly sworn by the Commission, and examined testified as follows:

Examined by W. W. Hastings:

- Q What is your name? A J. C. Starr.
- Q What is your age? A Thirty two.
- Q What is your postoffice address? A Vinita.
- Q Did you know Richard L. Prather during his lifetime? A Yes sir, I did.
- Q I will ask you know Mr. D. H. Wilson who just left the stand? A Yes sir.
- Q I will ask you if you remember the circumstance of his having been appointed administrator of the estate of R. L. Prather after his death? A Yes sir, I do.
- Q Do you remember when it was? A It was in the fall of 1898.
- Q I will ask you if you had any connection with the appraisement of that estate, and if so, what? A I went along with Mr. Wilson as an officer- I was a Notary Public- to swear the appraisers.
- Q Where did you go? A Went to Cowskin prairie, and while there the property of R. L. Prather, deceased, was appraised by the appraisers.
- Q What did it consist of? A Farms.

- Q Did you go around to these different houses on these farms?
 A Yes sir, I did.
 Q Did you see anything of Mrs. R. L. Prather, now the applicant, Lenora Prather, on any of the farms in the Cherokee Nation when you went there to have these appraisements made? A No sir, I did not.
 Q Did you go to Southwest City, Missouri? A Yes sir.
 Q I will ask you if you saw Mrs. Prather over there? A Yes sir.
 Q Were you at her house? A Yes sir.
 Q Was she living there? A Yes sir.
 Q Did she make any claim at that time to be living in the Cherokee Nation? I never heard of any claim being made. at that time.
 Q She was living there, just as any other would be living in the house? A Yes sir.
 Q Is there anything else you desire to state? You are stenographer for the Cherokee Nation aren't you Mr. Starr? A Yes sir.
 Q I will ask you whether Baxter Prather or anyone else ever offered you any consideration whatever to prosecute this case? A He did not and no one else ever did.

Examined by Mr. Davis:

- Q You have had this case in charge, Mr. Starr, up until recently?
 A Yes sir.
 Q You have been taking considerable interest in it haven't you?
 A Yes sir.
 Q You have been over on Cowskin prairie several times hunting up testimony? A I have been over there once.
 Q You always go to Baxter Prather's when you go? A No sir, I have never been there but once, and I went on other business at that time.
 Q You have written him a great many letters? A I have written him two.
 Q You have also written to Joe Yeargain about it? A Yes sir, and to other people also.
 Q At the time you went over there to help appraise this property, were all the houses on these various farms occupied, did you see people actually living in the houses at that time, or not?
 A I don't remember about all of them; we went to the houses and appraised the property there, but I don't remember about that.
 Q Do you know if at that time Lenora Prather had some household stuff in one of the houses on one of the places, and claiming it as her home, ^{and making it her home} part of the time? A I didn't see anything that belonged to her.
 Q Are you able to state of your own personal knowledge that Lenora Prather did not have one of those houses furnished with household stuff and kitchen utensils, and that she was not spending part of her time on the place? A I didn't see anything that was hers, or claimed for her at the time.
 Q Just answer my question, do you know of your own knowledge that she did not have charge of one of those houses? A No sir.
 Q I will ask you if such a thing is not possible, that she might have been down there the latter part of May or the first of June, and on down to the fall of 1898? A It might have been possible.
 Q Where were you living then? A I had my household things at Vinita, but I was staying most of the time in Grove.
 Q How far was your family located from you? A My family was located in Grove at that time. I was out there frequently during that year.
 Q Do you know the Prather places? A I don't know that I do; I know those that were shown to me.
 Q Were you at all the Prather places frequently during the year 1898?
 A I was in that country frequently.
 Q But were you on the Prather places frequently any more than anyone else? A No sir, I was there the year they appraised them.
 Q Were you on all the Prather places? A On all that were pointed out to the appraisers to be his.
 Q You simply appraised what was pointed out to you? A Yes sir.
 Q You don't know whether that was all he owned or not? A No, I don't.

Q You simply appraised what was pointed out to you by the administrator? A Yes, sir, I was with them when the appraisers appraised them.

Jacob Lewis, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Hastings:

Q What is your name? A Jacob Lewis.

Q How old are you Mr. Lewis. A Fifty-nine.

Q Where do you live? A I live in Arkansas, at ~~Savittx~~ Gravett.

By Mr. Davis:

Q Were you convicted of a felony? A No sir.

Q Have you ever been in the penitentiary at any time? A No sir.

By Mr. Hastings:

Q How long have you been living at Gravett, Arkansas? A I have been living there about thirteen years.

Q I will ask you if at any time during the year 1898 you stayed in the Cherokee nation? A I stayed there part of the year.

Q When; what time? A From about the middle of August until the first of November.

Q About two months or two months and a half? A Yes sir.

Q Where did you stay? A I stayed on what is known as the widow Prather's place.

Q Where is that? On what prairie? A It was on what they called Cowskin prairie.

Q How far from the town of Grove? I think they call it about six miles to Grove.

Q You are not very well acquainted up there? A Not very well.

Q Who did you work for? A Mr. McWahen.

Q Was he a renter on the place? A Yes sir.

Q Did you work for him from August until about November, 1898?

A Yes sir.

Q What were you doing there? A I was working corn, and helping to husk corn.

Q Did you learn to know Mrs. R. L. Prather while you were there, or did you know her before? A No, I didn't know her before. I seen her several times while I was there.

Q Where did she live while you were there? A She told me she lived in Southwest City.

Q Missouri? A Yes sir.

Q Well, did she live out there? No sir, she wasn't living out there

Q Did she come out there now and then? A Yes sir, she was out there several times.

Q How long would she stay when she was out there? A Why I don't know as I could tell exactly how long it was.

Q Did she stay over night? A Not to my knowledge.

Q You never knew her to stay over night? A No sir.

Q She would come out and go back the same day? A Yes sir.

Q Well, what did she come for? A Said she come out to see about her place.

Q Looking after her place? A Yes sir.

- Q Did she have any children with her? A She brought a couple of children with her pretty much every time she come.
- Q She would take them back with her would she? A Yes sir.
- Q They never stayed out there did they? A No sir.
- Q I will ask you if she had any household effects out there? A Why she brought some household effects out there while I was there.
- Q That was after you went out there? A Yes sir.
- Q What did they consist of? A Some bedding, and a bed and a few chairs.
- Q Did she use them? A No sir.
- Q Well, who did? A I used the bed considerable myself; she told me I could have the use of it.
- Q She never brought them out there until after you went there, and that was about the first of August, 1898? A Yes sir, it was about the middle of August.
- Q That you went there? A Yes sir.
- Q Well, did you hear anything said at that time about her having any other personal property on the place before that? A No sir, she claimed to have corn on the place.
- Q I mean household effects? A No sir, I never heard her say anything about it.
- Q Did you hear anybody else on the place say that she had any household effects there other than those you mentioned, that were brought there after you went there? A No sir, I never heard of any others.
- Q Do you know what became of these household effects? A No sir, I don't; they were there when I went away.
- Q Where was she when you went away, say, in November, 1898?
- A I can't say where she was, for I didn't see her.
- Q You never did see her at Southwest City? A No sir, I never did.
- Q Had you understood at the time that she lived there? A Yes sir.
- Q Was Jess Turner out there with you at that time? A He stayed there part of the time.
- Q Where is he now? A He is working part of Jim Turner's place, so I am told.
- Q Do you know whether his wife is sick or not? A I don't know for I didn't see her. I have heard that she was sick.
- Q Do you know whether he was subpoenaed as a witness in this case?
- A Yes sir, he was.
- Q You understood that was the reason of his not appearing, that his wife was sick? A Yes sir.
- Q You say he was there on the place part of the time while you were there? A Yes sir, he was staying there with me.

Examined by Mr. Davis:

- Q Who subpoenaed you? A Why Mr. Prather.
- Q Baxter Prather? A Yes sir.
- Q What kin is he to Richard L. Prather, deceased? A He claims to be a brother.
- Q Where were you? A I was on what is called widow Prather's place.
- Q How came you to be there? A I come down to pick corn for Mike Nichols.
- Q What did Baxter Prather say to you? A He didn't say anything, only he said he understood I was there in 1898.
- Q How much money did he give you to come down here on? A He didn't give me any.
- Q Didn't he lend you some money to come down here to pay expenses?
- A Yes sir, he loaned me a little.
- Q How much? A I borrowed three dollars of him.
- Q Do you mean to tell this Commission of your own knowledge that Mrs. Prather didn't have any other household effects on any of her

- places before, you testified, she brought some stuff down there after August first in 1898? A I didn't testify to any such thing.
- Q You don't know, do you? A No sir, she might have had things there before that for all I know.
- Q Did you ever live on any other farm of hers? A No sir.
- Q Do you know how many other farms she has? A No sir, there is two houses there.
- Q Do you know how many other places she has? A No sir.
- Q How many years ago was it since you were down there working for McMahon, from now? A It was four years ago this fall.
- Q Hasn't it been five years ago this fall? A No sir.
- Q How do you know it was in 1898? How do you know you were picking corn for McMahon in 1898? A What makes me know that is, I know it was four years ago this fall.
- Q Well how now; did you set it down? A No sir.
- Q Was your attention expecially called to the fact at that time, that it was 1898? A No sir.
- Q Have you had any reason to remember it since that time; didn't the matter of the year come up there that day when you were subpoenaed by Baxter Prather? A No sir.
- Q Who refreshed your memory, did Baxter Prather talk it over with you there? A No sir.
- Q Did he ask you when you were there? A No sir.
- Q Didn't you state awhile ago that you had a conversation with him in which he said you were there in 1898, and wanted you to come down and testify, and loaned you three dollars? A I told him he would have to let me have three dollars to come on, for I didn't have any.
- Q Didn't you swear awhile ago that he told you that you were down there in 1898? A I don't think I did.
- Q Didn't you have that conversation? As a matter of fact didn't he refresh your memory to say that it was in 1898, and that that was what you were coming down here for, to say it was 1898? A No sir, if it hadn't been 1898 I wouldn't have said it.
- Q What was you doing there in 1897? A In the fall of 1897 I picked corn for the same fellow, Mike Nichols.
- Q Where were you in November, 1897? Do you know? Are you able to swear now what you were doing and where you were in November, 1897?
- A In the fall of 1897 I was at Oce Harlin's picking corn.
- Q Where were you in November, 1896? A I picked corn there that year at Oce Harlin's in 1896.
- Q I thought you had been living in Arkansas for the last thirteen years? A I have.
- Q Did you spend most of your time in the Territory, just like Mrs. Prather lived in Southwest City and spent most of her time in the Cherokee Nation? A I went down there to pick corn.
- Q You have been there most of the time? A I have been there a good deal of the time in the fall.
- Q You just come down there and hired out to these farmers to pick corn?
- A Yes sir.
- Q What business are you in at home, what do you follow for a living in Gravett? A Various things, I work out in Gravett.
- Q You have got no steady trade? A No sir.
- Q In the fall you go down into the Territory and hire out to Tom, Dick and Harry to gather corn? A Yes sir.
- Q Where were you in the fall of 1899; where were you and what were you doing? A I was at work at home that year.
- Q In Arkansas? A Yes sir.
- Q Can you read and write? A Yes sir.
- Q You keep track of dates do you? A Yes sir.
- Q What impressed this 1898 on your mind, how did you happen to think

- about it? A Why -
- Q Who did you talk to about this Prather business, just to be honest about it; Who had been talking to you about it? A Mrs. Prather is the only one that has ever talked to me about it.
- Q Hasn't Baxter Prather talked to you about it? A No sir.
- Q Where did you stay last night? A Here in town.
- Q Where did you stay the night before? A Down there on the widow Prather place.
- Q Have you ever been to Baxter Prather's since you were subpoenaed in this case? A I went there yesterday morning and borrowed some money from him.
- Q How long did you stay at his place? A About fifteen minutes.
- Q Did you tell him about coming down here and what you were coming down here for during that fifteen minutes? A No sir, nothing more than to tell him I would have to have some money to come down here, and would have to borrow some of him.
- Q Didn't you talk with him about when it was you were down there, whether it was 1897 or 1898? A He never said a word about that, and we never talked over the circumstances at all.
- Q Never said a word about it? A No sir.
- Q You are positive about that? A Yes sir.
- Q Just as positive about that as you are about anything else you have testified to? A Yes sir.

By Mr. Hastings:

- Q You are a poor man, aren't you? A Yes sir.
- Q You didn't have means to come down here? A No sir, I didn't.
- Q You borrowed money to come? A Yes sir.
- Q And expect to pay it back when you return? A Yes sir, that's what I expect.

E. C. Bagwell on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) E. C. Bagwell.

Subscribed and sworn to before me this December 12, 1902.

(Signed) E. C. Jones,

Notary Public.

(SEAL)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, November 14th, 1902.

In the matter of the application of Lenora Prather for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Sam Houston Prather and Maggie Prather, as citizens by blood of the Cherokee Nation.

Supplemental to D-16.

The attorney for the applicant, on October 15th, 1902, was notified that this case would be held open, for the introduction of further testimony either by the applicant or by the representative of the Cherokee Nation, until the 14th day of November, 1902.

The applicant and her attorney have this day, to wit: the 14th day of November, 1902, been called and failed to respond.

The Cherokee Nation offers in evidence the certificate of Charles L. Dry, city clerk of Southwest City, Missouri,, under the seal of said city, of date November 12th, 1902, certifying that the records show that the applicant, Lenora Prather, had paid taxes on household goods for the year 1898 and 1899.

Jesse O. Carr being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings and that the same is a true and complete transcript of his stenographic notes thereof.

(Signed) Jesse O. Carr.

Subscribed and sworn to before me this 5th day of February, 1903.

(Signed) J. O. Rosson,
Notary Public.

(SEAL).

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Vinita, I. T., October 3rd, 1900.

In the matter of the application of John Parks, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A John Parks.
Q What is your age? A Forty-six.
Q What is your postoffice? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q For whom do you apply? A Myself, wife and children.
Q What is the name of your wife? A Margaret J. Parks.
Q What was her name before you married her? A Margaret J. Prather.
Q Have you any certificate of marriage? A Yes sir.
The applicant presents a marriage license and certificate of marriage certifying that he was married according to the laws of the Cherokee Nation to one Nollie E. Prather, a Cherokee citizen, on the 20th day of September, 1871.
Q Is the Mollie Prather mentioned in this certificate the Margaret E. Parks whom you now claim to be your wife? A Yes sir.
(1896 Roll, Page 585, #438, John Parks, Delaware Dist.)
(1896 Roll, Page 517, #2417, Margaret J. Parks, Delaware Dist.)
Q What are the name of your children under age and unmarried? A John Parks.
Q Has he any middle name? A No sir.
Q How old is he? A Nineteen years old.
Q Next one? A Ora Ada Parks.
Q How old is she? A Fifteen.
Q Next one? A Owen R.
Q How old is he? A Nine.
Q Next? A That is all.
Q Are these children living and living with you now? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Twenty-eight years.
Q Have you been living with your wife continuously since you married her? A Yes sir.
Q Was she your first wife? A Yes sir.
Q Were you her first husband? A Yes sir.
(1896 Roll, page 517, #2421, John Parks, Delaware Dist.)
(1896 Roll, page 517, #2422, Cora Ada Parks, Delaware Dist.)
(1896 Roll, page 517, #2323, Owen Bell Parks, Delaware Dist.)

The names of John Parks and his wife Margaret J. Parks, appear upon the census roll of 1896. Applicant also presents a certificate of admission, certifying that his wife Margaret J. Parks was admitted to citizenship on the 13th day of July, 1886, said certificate being signed by W. P. Boudinot, Executive Secretary of the Cherokee Nation, under the great seal of the Cherokee Nation. He also presents satisfactory proof, by certificate issued from the office of the Commission on Citizenship, June 27th, 1887, signed by W. W. Gallagher, Assistant Executive Secretary, under the seal of the Nation, certifying that his wife, Margaret J. Parks, was declared a citizen on the 19th day of December, 1870, said certifi-

cate being signed by J. T. Adair, Chairman, D. W. Lipe and H. C. Barnes, Commissioners, under the seal of the Cherokee Nation.

The name of John Parks being found upon the census roll of 1896, as well as the name of his wife, Margaret J., and he producing satisfactory proof of marriage to his wife, in the year 1871, her maiden name being Margaret Prather; and the name of his children, John, Cora Ada and Owen B. appearing upon the census roll of 1896; they all being duly identified as having made satisfactory proof both as to their citizenship and their residence, the said John Parks will be duly enlisted for enrollment as a Cherokee citizen by intermarriage, and his wife Margaret J. Parks, and his children, John, Ora Ada and Owen B., as Cherokee citizens by blood. For more particular proof as to the citizenship of his wife, ~~Margaret J.~~ see the testimony in the case of his wife's mother, Caroline C. Prather, who was enrolled this day on Card #4014.

The undersigned being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Cravens.

Subscribed and sworn to before me this 7th day of October, 1900.

C. R. Breckinridge,
Commissioner.

Retta Chick, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy and that the same is a true and complete copy of the original.

(Signed) Retta Chick.

Subscribed and sworn to before me this 7th day of July, 1902.

(Signed) Philip G. Reuter,
Notary Public.

(SEAL.)

File with Cherokee D-16.

Cherokee Nation, Delaware District,
May 26th, 1888.

This agreement by and between R. L. Prather of the Cherokee Nation, party of the first part and Hattie A. Prather, his wife, party of the second part,

Witnesseth:

That the said R. L. Prather, party of the first part, conveys, quit-claims and delivers and by these presents has conveyed quit-claimed and delivered unto the said Hattie A. Prather, party of the second part, the following described property, to-wit:

One improvement situated in the Cherokee nation adjoining the Seneca Reserve, north of the place of R. L. Prather, consisting of one house and fifty acres of land enclosed with a wire fence, with all the rights, privileges and appurtenances thereto belonging; two cows and calves, and all such household goods as said Hattie A. Prather may select and it is further agreed by the said R. L. Prather of the first part, that the said Hattie A. Prather may keep the children, two in number until such time as the said R. L. Prather may permit. It is further agreed that the said R. L. Prather shall maintain the said Hattie A. Prather as long as the said Hattie A. Prather shall have said children in charge. For and in consideration of the conveying, quit-claim and delivering the above described property to said Hattie A. Prather, the said Hattie A. Prather, by these articles does agree and by these articles, has agreed to a full and sufficient separation and release of said R. L. Prather from the marriage bonds as the wife of said R. L. Prather and the said Hattie A. Prather by this agreement, waives all legal rights as the wife of said R. L. Prather, not otherwise specified in this agreement.

Witness out hands and seals on the day and year first above written.

Witnesses,

D. W. Vann,
W. Angel.

Subscribed and sworn to before me this the 26th day of
May, 1888.

R. L. Prather.
Hattie A. Prather.

P. L. Walker,
Deputy Clerk,
Delaware District C.N.

A true copy of the original and recorded this 28th day of
May, 1888.

P.L. Walker,
Deputy Clerk
Delaware District, C.N.

Executive Department,
Cherokee Nation,
Tahlequah, Ind. Ter.
November 1st, 1900.

I, A. B. Cunningham, Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true and correct copy of the agreed separation of R. L. Prather and Hattie A. Prather, as copied from the records of the Clerks of Delaware District, Cherokee Nation. Said records now being a part of the records

In testimony whereof I hereunto set my hand and affix the seal of the Cheeokee nation the year and date above written.

A. B. Cunningham,

Assistant Executive Secretary C. N.

(SEAL.)

United States of America

Northern District

ss.

Indian Territory.

I, S. F. Parks, a Notary Public in and for the above named District and Territory, do hereby certify that the above and foregoing agreement by and between R. L. Prather, party of the first part and Hattie A. Prather, party of the second part, is a true and correct copy of the original as was to me presented.

Given under my hand and seal as ~~Notary~~ such Notary this the 21st day of November, A. D., 1900.

S. F. Parks,

Notary Public.

My Commission expires September 25th, 1904.

Seal.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. Sept. 24, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct file of the original on file in the office of the said division.

(Signed) P. G. Reuter.

Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 24th day of September, 1902.

(Signed) W. C. Jones,

Notary Public.

(SEAL).

Copy of Application.

D-16.

State of Missouri :
County of McDonald. :ss.

Lenorie Prather being duly sworn says that R. L. Prather late of said county died at South West City McDonald County Mo- on the 10th day of January, 1895.

Intestate and the following are the names, and places of residences of the heirs of the deceased, to the best of her knowledge and belief viz:

- (1) Lenora Prather (widow) resides at S.W.City McDonald County, Missouri
- (2) Georgia Ann Prather residence McDonald County Mo-
- (3) Jesse Prather - residence McDonald County Mo.
- (4) Sam Houston Prather - residence McDonald County Missouri.
- (5) Callie Prather - residence Indian Territory.
- (6) Richard Prather - residence Indian Territory.
- (7) Minnie Turner - residence Vinita, Indian Territory.

That she will make a perfect inventory of, and faithfully administer all of the estate of the deceased and pay the debts as far as the assets will extend and the law direct and account for and pay all assets which shall come to her possession or knowledge. That she is the widow of said decd.

(Signed) Lenora Prather.

Subscribed and sworn to before me this 18th January 18th 1895.

(Signed) D. E. Havens

(SEAL)

Notary Public.

Commission

expires Mar. 11th, 1896.

No. 226. CERTIFICATE OF TRUE COPY. Printed and for
sale by Standard Printing Co., Hannibal, Mo. Class 12.

State of Missouri :
County of McDonald. : ss.

I, J. R. Caldwell Judge and exofficio Clerk of the
Probate Court in and for said County, hereby certify that the above is
a true copy of the original application for letters of administration
on Estate of R. L. Prather decd. as filed by Lenora Prather as the
same appears on file in my office.

Witness my hand and the seal of said Court. Done at office in
Pineville Mo. this 30th day of October 1902.

(SEAL)

(Signed J. R. Caldwell Judge and Exofficio
Clerk of Probate.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enroll-
ment Division of the Commission to the Five Civilized Tribes, and cus-
todian of the records of said Division, do hereby certify that the
above and foregoing is a true and correct copy of the original on
file in the office of the said Division.

(Signed) P. G. Reuter,
Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 24th day of November, 1902.

(Signed) B. C. Jones,
Notary Public.

(SEAL).

LETTERS OF ADMINISTRATION.

State of Missouri. :
County of McDonald. : ss. IN THE PROBATE COURT.

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME --GREETING:

KNOW YE, that R. L. Prather late of the county of McDonald, and state of Missouri, died intestate as it is said, having at the time of his death, property in this State which may be lost, destroyed or diminished in value, if speedy care be not taken of the same; To the end, therefore, that said property may be collected, preserved and disposed of according to law;

WE DO HEREBY APPOINT Lenora Prather administratrix of all and singular the goods and chattels, Rights and Credits, which were of the said R. L. Prather at the time, of his death, with full power and authority to secure and dispose of said property according to law, and collect all moneys, due said deceased, and, in general, to do and perform all other acts and things which are or hereafter may be required of her by law.

IN TESTIMONY WHEREOF, I, J. P. Caldwell Clerk of the Probate Court, in and for the County of McDonald, hereunto sign my name, and affix the seal of said Court at office in Pineville Mo., this 19th day of January, A. D. 1895.

(Signed) J. P. Caldwell
Clerk of Probate Court.

State of Missouri : ss.
County of McDonald. IN THE OFFICE OF THE PROBATE COURT.

I, J. P. Caldwell Clerk of the Probate Court, within and for said County, do hereby certify that the within letters of administration are duly recorded in my office in Book A. for recording letters of administration at page 228.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in Pineville Mo. this 5th day of March, A. D. 1895.

(Signed) J. P. Caldwell Clerk

State of Missouri :
County of McDonald. : ss.

I, J. P. Caldwell Judge and Exofficio Clerk of the Probate Court in and for said county, hereby certify that the above is a true copy of the original letters of administration on Estate of R. L. Prather granted to Lenora Prather as the same appear of record in my office.

Witness my hand and the seal of said Court. Done at office in Pineville, Mo. this 30th day of October 1902.

(Signed) J. P. Caldwell, Judge and Ex-officio Clerk of Probate.

(SEAL)

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment

Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

(Signed) P. G. Reuter,
Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 24th day of November, 1902.

(Signed) B. C. Jones,
Notary Public.

(SEAL).

UNITED STATES OF AMERICA.

C.O.-16.

INDIAN TERRITORY

SS. .

NORTHERN DISTRICT.

I, Preston S. Davis, a Notary Public within and for the Northern District of the Indian Territory, duly commissioned and acting, do hereby certify that the above and foregoing papers hereto attached are true and correct copies of the papers they purport to be copies of and that each of same was duly compared with the paper from which it was taken by me and found to be correct. That the papers of which these papers are copies are in the possession of Robert A. Prather, of Vinita, I. T.

In testimony whereof I hereunto set my hand and affix my official seal this the 12th day of July, A. D. 1900.

(Signed) Preston S. Davis.

Notary Public.

(SEAL)

My Com. expires the 13th day of February, 1901.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said division.

(Signed) P. G. Reuter.

Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 15th day of December, 1902.

(Signed) B. C. Jones,

Notary Public.

(SEAL).

UNITED STATES OF AMERICA.
INDIAN TERRITORY.
NORTHERN DISTRICT.

SS.

AFFIDAVIT OF MRS. HATTIE A. WARE.

Mrs. Hattie A. Ware of lawful age being first by me duly sworn according to law on her oath deposes and says: My name is Hattie A. Ware. I am 35 years of age. I reside in Vinita, I. T. I was married to Richard L. Prather under my maiden name of Hattie A. Carr on the 19th day of July, A. D. 1881 under the laws of the Cherokee Nation. After said marriage I lived with Mr. Prather about ten years as his wife and we had 3 children born to us, two of whom are still ~~living~~ alive. I was lawfully divorced from Richard L. Prather, by a decree from the Circuit Court of Cooweescoowee District, Cherokee Nation, Indian Territory, at Claremore, I. T., in May, 1891. Mr. Pascal was my attorney and I saw Mr. Prather with the decree after it was granted and Mr. Prather kept this paper. I know that we were legally divorced according to the laws of the Cherokee Nation. We were both citizens of the Cherokee Nation by blood and the Circuit Court of Cooweescoowee District was the court of competent jurisdiction to hear and determine divorce cases at that time between citizens of the Cherokee nation. Since I was divorced from Mr. Prather I have married John M. Ware and am living with him in Vinita as his wife and there have been born to us of this marriage two children. Richard L. Prather after we were divorced married a Mrs. Lenora Lyon and lived with her as his wife up to his death. I know that Richard Prather and his wife Lenora Prather had two children born to them in lawful wedlock. I have no interest in this matter. I make this statement voluntarily and of my own free will.

(Signed) Hattie Ware.

Subscribed and sworn to before me this the 12th day of July A.D. 1900.
(SEAL)

(Signed) Preston S. Davis,
Notary Public.

My Com. Ex. Feb. 13th 1901.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said ~~affairs~~ division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said division.

(Signed) P. G. Reuter,
Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 15th day of December 1902.

(Signed) B. C. Jones,
Notary Public.

(SEAL).

The State of Texas.

County of Stonewall.

M. S. Jackson, of lawful age and being by me first duly sworn on her oath deposes and sayeth as follows:- That she is fifty-four years old and resides in the county of Stonewall State of Texas, United States of America. In 1892 I resided in Claremore, Indian Territory; my widowed daughter Lenora Lyons, made her home with and then resided with me; her husband was dead; my said daughter now lives in Grove, Indian Territory, and her name is now Mrs. Lenora Prather; her two infant children, Samuel H. aged seven and Maggie aged six live with her; her husband and their father, Richard L. Prather is now dead; he died in 1895; he was a Cherokee by blood, that is a Cherokee Indian and owned property near what is now called Grove, Indian Territory. On November 20th, 1892 my said daughter Lenora and the said Richard L. Prather were married at my home in Claremore, Indian Territory; the Rev. Jack, a Methodist minister of the Gospel, performed the ceremony; my information is that the said Jack is now dead; he was an old man then. Said Richard L. Prather and Lenora lived together uninterruptedly as man and wife until the death of said Richard L. Prather which occurred in 1895; I moved from the Indian Territory to this state in 1893. There were born unto the said Richard L. Prather and said Lenora two children, Samuel H. and Maggie aforesaid.

(Signed) M. S. Jackson.

Subscribed and sworn to before me this the said M. S. Jackson this 10th day of July 1901.

(SEAL)

(Signed) W. J. Arrington

Notary Public Stonewall Co. Tex.

My Commission expires 1st day of June 1903.

Endorse: In the matter of the claim for Cherokee citizenship of Mrs. Lenora Prather and her two infant children, Samuel H. and Maggie

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of said Division.

(Signed) P. G. Reuter,

Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 15th day of December, 1902.

(Signed) B. C. Jones,

Notary Public.

(SEAL).

The State of Texas,
County of Dallam.

Nicholas S. Jackson, of lawful age and being by me first duly sworn, says and states as follows:- That he is 56 years old; resides in the county of Dallam and in the state of Texas, United States of America; my daughter, the widow Lyons, that is nor Lenora Prather, widow of Richard L. Prather, made her home with and resided with me. On November 20th, 1902 in my house at said town at Claremore, my said daughter, lnora and Richard L. Prather, a Cherokee Indian by blood, were married; a preacher by the name of Jack performed the ceremonies; is it my understanding that the said Rev. Jack is now dead, he was an aged man then; said Richard L. Prather is now dead; he died in 1895; from the date of the marriage of the said Richard L. Prather and my daughter Lenora, they lived together uninterruptedly as man and wife up to the time of the death of said Richard L. Prather. There was born to them two children, Samuel H. aged seven; Maggie aged six; said Mrs. Lenora Prather and her two children now reside in Grove, Indian Territory, Cherokee Nation. I moved from the Territory to the state of Texas in 1893.

his
(Signed) Nicholas S x Jackson.
mark
Witness J. J. Daly.

Subscribed and sworn to before me by the aforesaid Nicholas S. Jackson, this the 26th day of Augt 1901.

(Signed R. B. Edgell J P. & ex-officio
Notary Public.
(SEAL) .

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskegee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said division.

(Signed) P. G. Reuter
Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 15th day of December, 1902.

(Signed) B. C. Jones.
Notary Public.
(SEAL).

D-16.

State of Missouri,
County of McDonald.
City of Southwest City.

I, Charles L. Dry, Clerk of the City of Southwest City, McDonald County, Missouri, do hereby certify that I am the legal custodian of the record of taxes paid in the city of South West City, McDonald Coounty Mo. and I hereby certify that the records in my custody show that Lenora Prather has paid tax on household goods for the years 1898 and 1899.

Given under my hand and seal of office this 12 day of November, 1902.

(Signed) Charles L. Dry. -

(SEAL).

City Clerk, Southwest City, Mo.

Cher-D-16.

The following are true copies of the papers herein set forth

Office Supreme Ct.

Room Tahlequah C. N.

I hereby certify that the case of the Cherokee Nation vs. Caroline C. Prather, has from the submitted testimony been decided in favor of the Claimant. That Caroline Prather is entitled to Cherokee Citizenship by blood: and entitled to all the rights and privileges as such.

Decr. 19th, 1870

R. B. Daniel
C. J. S. ct.

I certify that the above certificate is a true copy of the original.

S. S. Stephens
Clk. Protem.
Special Crt. Commis.

This is to certify by me that R. A. Prather a white man was Liscend to marry Caroline Rogers a Female Cherokee on the 5th. dat Feb. 1869 and the Licones Executed and Returned Feb. the 14th. 1869 Being with according to the act past by the National Council Baring Date Octa the 15th. 1855 In Regard to white Men Maring in this Nation.

T. J. Mc. Ghee Clk.

C. C. D. D. C. N.

Clerk Office Delaware Dist. C. N.

This is to certify by me that the above is a true copy that appears on the old Marriage Record Book on file in the Clerk office Delaware District Cherokee Nation.

Witness My Hand And Seal of office on this the 16th. Day July 1886.

(Signed) T. J. Mc. Ghee
Clerk Delaware Dist. C. N.

Dealware District.

(Seal).

Cher. D-16.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

(Signed) P. G. Reuter,
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 15th day of December, 1902.

(Signed) B. C. Jones,
Notary Public

SEAL.

Docket A-243.

C.S.16

243

R. A. Prather,
Office Commission on Citizenship, C. N.
June 27th 1887.

Cherokee Nation.

C

Docket.

No.

Family

(VS).

Attorney.

1

1

R. A. Prather

&

242.

Caroline Prather.

Case called Junr 27th 1887
and by consent of parties was
continued until Aug. 11th 1887.

W. P. Boudinot
E. C. Boudinot.

The above case was tried Aug. 18th 1887. And has since that time been awaiting the action of the Commission of Citizenship upon the charge of fraud and bribery having been used in securing the judgment of the Commission, granting said Prathers citizenship in the Cherokee Nation (See, 18thth Sec. of an Act of Dec. 1886). The case was duly tried and the Nation's ~~attorney~~ Atty. Hon. R. F. Wyly used every endeavor to ferret out the alleged charge. This case was tried and admitted to citizenship Dec. 19th 1870 by the Bob Daniels Court of Commission. The witnesses in this are all about dead and the original testimony upon which the Commission based their opinion has nearly all been lost in consequence of which, the attorney for the Nation had but little margin to work on.

We the Commission on Citizenship fail to find that fraud or bribery has been resorted to by said Prathers in obtaining their citizenship in the Cherokee Nation, on Dec. 19th. 1870-

We find for the defendant in this cause

J. T. Adair, Chairman Commission.
D. W. Lips, Commissioner.
H. C. Barnes, Commissioner.

Office Com- on Citizenship,

Tahlequah, I. T., Nov. 1st, 1888.

I, William M. Gullager, Assistant Executive Secretary hereby certify that the above is a true and literal copy of the page given and is now a matter of record in this Department.
Given this 15th Oct. 1896.

(Signed) William M. Gullager.

Seal of the Cherokee Nation.

Assy. Ex. Secretary.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

(Signed P. G. Reuter,

Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 15th day of December, 1902.

(Signed) B. C. Jones,

Notary Public.

Printed Seal Ex. Dept.

EXECUTIVE DEPARTMENT.
Cherokee Nation, Ind. Ter.
Tahlequah, Jult 13" 1886.

I, W. P. Boudinot, Executive Secretary of the Cherokee Nation, hereby certify that this the following copy towit:-

COPY.

"No. 1 Whites and Indians admitted to Cherokee Rights and Citizenship

" No.	Names	Of what Blood	How admitted	From what Dist.
"21	Caroline Prather, Cherokee and children to-wit:- Richard L. Prather Margaret J., Robt. F. Harriet L., Sam'l A. Thos. W., George E.		Admitted by blood	Delaware.

" is a true and correct copy from the aforesaid record made and kept on file in this Department of the original report of the Chief Justice and Clerk of the Supreme Court of the Cherokee Nation, sitting as a "Court of Commissions" by authority of an Act of the National Council of the Cherokee Nation approved Dec. 3rd. 1869, to try and decide claims for Cherokee citizenship-the said original report recorded as aforesaid being dated the 21st. day of June, 1871, and signed by "R. B. Daniel, Chief Justice of the Supreme Court", and by "W. H. Turner Clerk Supreme Court", and the record of this Department showing that the said signatures were acknowledged as genuine and their report authentic.

In witness whereof I hereunto set my hand and affix the seal of this Department on the date first above written.

(Signed) W. P. Boudinot.
Executive Secretary C. N.

Seal of the Cherokee Nation.

Executive Department.
Cherokee Nation.

I hereby certify that the Supreme Court of the Cherokee Nation was duly authorized by Act of Council approved Dec. 3" 1869 to try, and finally decide applications for admission to Cherokee citizenship and to permanently admit or reject such applicants, according to the evidence submitted by them severally to said court-- and that the foregoing certified copy of proceedings of said Court, acting under said authority, and showing the admission of the Prather family, as designated by name in said copy, to Cherokee Citizenship, is a true and correct copy from the findings and decisions of said court as required by said act of Council to be reported and placed on file in this Department.

In Witness Whereof I hereunto set my hand and affix the seal of this Department this the 3rd day of Nov. A.D.1886.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said division.

(Signed) P. G. Reuter,
Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 15th day of December, 1902.

(Signed) B. C. Jones,
(SEAL). Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 2, 1903.

I, T. B. Needles, a member of the Commission to the Five Civilized Tribes, do hereby certify that the foregoing is a true and correct transcript of the record and exhibits in the matter of the applications for the enrollment of Robert A. Prather et al, and Lenora Prather et al, as citizens of the Cherokee Nation, the originals thereof now being on file in the office of said Commission.



Commissioner.

8119

1002

An Act for taking the census of the Cherokee Nation in the year 1870, and Conferring power upon the Supreme Court, to try and determine cases of doubtful citizenship, at an extra term.

1st. Be it enacted by the National Council; That two expert responsible persons to be appointed by the Principal Chief (in each district) and who shall be residents of the district, for which they are appointed, be and they are hereby directed and authorized to take the census of their respective districts, between the first day of March, and the first day of September 1870; and make full and certified returns thereof to the Principal Chief on or before the first day of October of said year. The said Census takers, before entering upon their duties hereby assigned them, shall take an oath for the full impartial and correct performance of the same, as herein after defined.

2d. That it shall be the duty of said census takers, to take a full and complete return of all persons found residing or sojourning within the limits of their respective districts at the time of making the enumeration, as required by the foregoing Section. And said returns, shall show the names of all heads of families; the names of all males, above the age of eighteen; the names of all females above the age of 18 years; the names of all males under ~~throughout~~ eighteen years; the names, sex and age of all orphans under sixteen years of age; the names of all whites entitled by law to citizenship within the ages above Specified; the names of whites not so entitled; the names of all colored persons entitled by law to citizenship, within said ages; and the names of all such persons not entitled, and the names of all Indians not so entitled.

3. That it shall be the duty of the Principal Chief, to cause ruled blanks to be prepared of a suitable and convenient form, and furnished to said census takers, for the purpose of making the enumeration herein provided for; and said census takers shall be allowed three dollars per day while engaged in the performance of their duties, hereinbefore imposed upon them.

4. That it shall be the duty of the Principal Chief to cause a summary of the returns of said census to be prepared and laid before the National Council, together with the full returns of the same

the same , at the beginning of the annual session thereof in 1870. And which returns shall serve as the basis for apportioning the representation of the several districts of the Cherokee Nation in the National Council, in accordance with the amendment with the constitution, dated November 28, 1866.

5. That all persons whose rights to citizenship in the Cherokee Nation shall be called in question, and who shall be reported by the persons authorized by this act to take a census of the Cherokee people, on the list of doubtful persons, shall be required to appear before the Supreme Court of the Cherokee Nation at Tahlequah, on the first Monday in December 1870, then and there to establish their right to citizenship in the nation. And the said Supreme Court, is hereby specially empowered to act as a court of Commission on behalf of the nation for the hearing and determination of all cases of doubtful citizenship which shall be reported to them by the census takers or by the Solicitors of the several districts. And the decision of said court shall be deemed final and conclusive in the premises, as to the rights of said persons to citizenship in the Cherokee Nation.

And the said Court, shall cause a correct list of the names and ages of all persons whose rights they may confirm; and one of those whose rights they may reject; to be placed on record in their office, and a copy of the same to be furnished to the Principal Chief, for the use of the Executive Department.

Tahlequah, C.N.

Novr. 26, 1869.

Approved 3rd. Decr. 1869, the date of
presentation.

Lewis Downing

Principal Chief.

Executive Department, Cherokee Nation.

I hereby certify that the above and foregoing is a true copy as shown by the record now on file in this office, of which I am legal custodian. Given from under my hand and seal of office on this the 15th. day of July 1902.

Executive Secretary.

Transcript.

Journal Continued,

1870.

Monday morning Dec. 19th, 1870, Court met pursuant to adjournment, with all present: Docket of Delaware District continued, and the case of the Cherokee Nation, Vs, Caroline Prather, being announced as ready for trial and was taken up, and in the absence of witnesses, Documentary evidence was produced for examination; Court then adjourned, to 2 o'clock P.M.

2 o'clock P.M. Court met pursuant to adjournment and the above case continued and after due consideration of the testimony make the following decision: "That Caroline C. Prather is a Cherokee by blood and is entitled to the full rights and privileges of a Cherokee Citizen."

Executive Office, Cherokee Nation.

Tahlequah, Ind. Ter.

August, 2, 1900.

I, A. B. Cunningham, Assistant Executive Secretary, do hereby certify that the above and foregoing is a true and correct transcript of page 6- of the "Minutes of Special Court of Commission" Supreme Court, 1871. Now a part of the records of this office.

In witness whereof I hereunto set my hand and affix the seal of the Cherokee Nation this 2nd day of August, 1900.

(Seal)

A. B. Cunningham,
Assistant Executive
Secretary.

I, the undersigned, a stenographer of the Commission to the Five Civilized Tribes, do hereby certify that the foregoing is a true and correct copy of a certified copy on file in the office of the Commission.

Isabel H. Maxwell

Transcript.

Record of Citizenship, 1880, Page 12. "A"

R. A. Prather and family Charged)
with obtaining citizenship in)
the Cherokee Nation, through)
fraud and bribery.) CAROLINE C. PRATHER and Children

to wit:

Richard L. Prather,
Margaret J.,
Robert F.,
Harriet L.,
Sam A.,
Thos. W.,
and Georgia E.

Executive Department,
Cherokee Nation, I.T.

I hereby certify that the above list of names of the Prather Family is true and correctly copied from the official report made to this Department on June 21, 1871, by the Supreme Court acting as a Court of Commission by authority of an Act of the National Council, approved Dec. 3, 1869. Empowering said Court or Commission to try Certain claims of Cherokee Citizenship, and to finally decide the same and to make report of their decisions to this Department, and the said report is of record in this office.

In witness whereof, I hereunto set my hand and affix the seal of the Cherokee Nation on the 26th day of November A.D. 1886.

W. P. Boudinot,
Executive Secretary,
C.N.

Executive Department, Cherokee Nation.
Tahlequah, C.N., August 2, 1900.

I, A. B. Cunningham, Assistant Executive Secretary, do hereby certify that the above and foregoing is a true and correct transcript of page 12 of Citizenship Record "A" 1880, now a part of the records of this office.

In witness whereof, I hereunto set my hand and affix the seal of the Cherokee Nation this 2nd day of August 1900.

(Seal) A. B. Cunningham,
Assistant Executive Secretary.

I, the undersigned, a stenographer of the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the above and foregoing is a true and correct copy of a certified copy on file in the office of the Commission.

Isabel J. Enaymell

Transcript.

Page 243.

Office of Commission on Citizenship,
Tahlequah, C.N. June 27, 1887.

Docket No.

Cherokee Nation

vs

- 1 R. A. Prather and
- 2 Caroline Prather.

Case called on June 27, 1887 and by
consent of parties was continued
until August 11, 1887.

Attorneys.

W. P. Boudinot and
E. C. Boudinot, Jr.

The above case was tried August 18, 1887, and since that time has been waiting the action of the Commission, on Citizenship and the Charge of Fraud and bribery having been used in securing the Judgment of said Commission granting said Prathers Citizenship in the Cherokee Nation, The Case was duly tried and the Nations Attorney R.F. Wyly, used every endeavor to ferret out the alleged charges. This case was tried and admitted to Citizenship in Dec. 19, 1870, by the "Bob Daniels" Court of Commission.

The witnesses in this case are all about dead and the original testimony upon which the Commission based their opinion has been nearly all lost in consequence of which the Attorney for the Nation has but little margin to work on.

We the Commission on Citizenship failed to find that Fraud and bribery has been used by said Prather's in obtaining their Citizenship in the Cherokee Nation, on Dec. 19, 1870.
We Find For The Defendants in this Case.

J. T. Adair, Chairman Commission.
D. W. Lipe, Commissioner.
H. C. Barnes, Commissioner.

I, A. B. Cunningham, Assistant Executive Secretary, do hereby certify that the above and foregoing is a true and correct transcript of page 243, of the Docket of the Commission on Citizenship, 1887. Now a part of the records of this office.

In witness whereof I hereunto set my hand and affix the seal of the Cherokee Nation, this 2nd day of August 1900.

(Seal)

A. B. Cunningham,
Assistant Executive Secretary.

I, the undersigned, a stenographer of the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the above and foregoing is a true and correct copy of a certified copy on file in the office of the Commission.

Nanabel H. Hayward

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Chickasaw D 16.

MARRIAGE LICENSE.

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STATE OF ARKANSAS
COUNTY OF FRANKLIN.

To any person authorized by law to solemnize Marriage:
You are hereby commanded to solemnize the rites and publish the bans of matrimony between Wesley R. Leouwis aged 25 years, and Sarah E. Ford aged 19 years, according to law, and do you officially sign and return this license to the parties herein named.
Witness my hand official seal this 14th day of June 1878.
(I.S.) (SIGNED) G. H. Ross County Clerk.
By George Spencer D. C.

STATE OF ARKANSAS
COUNTY OF FRANKLIN.

I, J. R. McLaughlin, do hereby certify that on the 16th day of June A. D. 1878, I did duly and according to law, as commanded in the foregoing license, solemnize the rites and publish the bans of matrimony between the parties therein named.
Witness my hand this 16th day of June 1878
(SIGNED) James R. McLaughlin J.P.

Filed July 25th and recorded July 27th 1878.
(SIGNED) G. H. Ross Clerk
By George Spencer D.C.


over

STATE OF ARKANSAS
COUNTY OF FRANKLIN.

I, J. D. McIlwy, Clerk of the County Court within and for the County and State aforesaid do hereby certify that the above and foregoing is a true and perfect copy of the certificate of the Marriage of Wesley R. Leouwis and Sarah E. Ford as the same appears of record in my office in the record of Marriages Book "E" at page 371.
(10¢ Revenue Stamp)

(SEAL)
In testimony whereof I hereunto set my hand and affix the seal of said Court this the 17th day of September 1900.
(SIGNED) J. D. McIlwy,
County Clerk.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, July 22, 1903.
I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the original now on file with this Commission.


Commissioner.

Sarah R. Lewis Plaintiff
VS. Complaint for Divorce
Wesley R. Lewis.

476
C D-345

Now on this day this cause came on to be heard upon the complain the proofs herein advanced and the report of the attorney for the non-resident defendant, Wesley R. Lewis and the Court having the same under consideration and being fully advised relative thereto doth find the issue in favor of the plaintiff. It is therefore ordered adjudged and decreed by the court that the bonds of matrimony heretofore existing between the plaintiff and defendant be and the same is hereby dissolved, annulled and held for naught and set aside and the plaintiff be restored to all rights and privileges of a single person. And it is further ordered that the plaintiff pay all costs in this action.

State of Arkansas :
County of Franklin:

I, John E. Bryan, Clerk of the Circuit Court within and for the county aforesaid do hereby certify that the above and foregoing is a true and perfect copy of the decree in the above entitled cause rendered on the 7th day of June, 1888 in the Franklin Circuit Court for the Ozark District thereof at its June term, 1888, as it now appears of Record in my office in Chancery Record "C" at Page 485.

In testimony whereof I have hereunto set my hand and affixed the seal of said court on this the 17th day of September 1900.

(Signed) John E. Bryan

(SEAL)

Circuit Clerk

Bt Chas. W. Bell D. C.

Department of the Interior,
Commission to the Five Civilized.
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

J. P. Renter
Chief Clerk Cherokee Division.

Subscribed and sworn to before me this December 15, 1902.

B. O. Jones
Notary Public.

File with Cherokee D-16.

Cherokee Nation, Delaware District,
May 26th, 1888.

This agreement by and between R. L. Prather of the Cherokee Nation, party of the first part and Hattie A. Prather, his wife, party of the second part.

Witnesseth:

That the said R. L. Prather party of the first part, conveys, quitclaims and delivers and by these presents has conveyed, quitclaimed and delivered unto the said Hattie A. Prather, party of the second part, the following described property to-wit:

One improvement situated in the Cherokee Nation adjoining the Seneca Reserve, north of the place of R. L. Prather, consisting of one house and fifty acres of land enclosed with a wire fence, with all the rights priveleges and appurtenances thereto belonging; two cows and calves and all such house hold goods as said Hattie A. Prather may select and it is further agreed by the said R. L. Prather of the first part, that the said Hattie A. Prather may keep the children, two in number until such time as the said R. L. Prather may permit. It is further agreed that the said R. L. Prather shall maintain the said Hattie A. Prather as long as the said Hattie A. Prather shall have said children in charge. For and in consideration of the conveying, quitclaim and delivering the above described proerty to said Hattie A. Prather, the said Hattie A. Prather by these articles does agree and by these articles, has agreed to a full and sufficient seperation and release of said R. L. Prather from the marriage Bonds as the wife of said R. L. Prather and the said Hattie A. Prather by this agreement, waives all legal rights as the wife of said R. L. Prather, not otherwise specified in this agreement.

Witness our hands and Seals on the day and year first above written.

SEAL

R. L. Prather.

Hattie A. Prather.

Witnesses,

D. W. Vann,

W. Angel.

Subscribed and sworn to before me this the 26th day of May, 1888.

P. L. Walker,

Deputy Clerk,

Delaware District, C.N.

A true copy of the original and recorded this 28th day of May 1888.

P. L. Walker,

Deputy Clerk,

Delaware District, C. N.

Executive Department,
Cherokee Nation,
Tahlequah, Ind. Terr.
November 1st, 1900.

I, A. B. Cunningham, assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true and correct copy of the agreed seperation of R. L. Prather and Hattie A. Prather, as copied from the records of the Clerks of Delaware District, Cherokee Nation. Said records now being a part of the records of this office.

In testimony whereof, I hereunto set my hand and affix the Seal of the Cherokee Nation, the year and date above written.

A. B. Cunningham,

Assistant Executive Secretary, C. N.

(S E A L)

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

COMMISSION IN THE FIELD UTILIZED IN

FILED

21 1902

United States of America,
Northern District,) S S.
Indian Territory.

I, S. F. Parks, a Notary Public in and for the above named District and Territory, do hereby certify that the within and foregoing agreement by and between R. L. Prather party of the first part and Hattie A. Prather, party of the second part, is a true and correct copy of the original as was to me presented.

Given under my hand and Seal as such Notary this the 21st day of November, A. D. 1900.

S. F. Parks,
Notary Public.

My Commission expires September 25th 1904.
SEAL.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. Sept. 24, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 24th day of September, 1902.


Notary Public.

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OFFICE OF THE
COMMISSIONER
OF THE
INDIAN BUREAU
WASHINGTON, D.C.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
NOV 14 1902

[Handwritten signature]

RECEIVED NOV 14 1902

1046
State of Missouri,
County of McDonald,
City of Southwest City.

I, Charles L. Dry

Clerk of the city of South West City, McDonald County, Missouri, do hereby
certify that I am the legal custodian of the record of taxes paid in the
city of South West City, McDonald County Mo and I hereby certify that
the records in my custody show that Lenora Prather has paid tax on house-
hold goods for the years 1898 and 1899.

Given under my hand and seal of office this 12 Day of November
1902.

Charles L. Dry

City Clerk, Southwest City Mo.

State of Missouri :
 :SS
County of McDonald :

Lenorie Prather being duly sworn says that R. L. Prather late of said County died at South West City McDonald County Mo- on the 10th day of January 1895.

Intestate and the following are the names, and places of residences of the heirs of the deceased, to the best of her knowledge and belief viz:

- (1) Lenora Prather (widow) resides at S. W. City McDonald County Missouri.
- (2) Georgia Ann Prather residence McDonald County Mo-
- (3) Jessee Prather - residence McDonald County Mo.
- (4) Sam Houston Prather - residence McDonald County Missouri.
- (5) Callie Prather - residence Indian Territory.
- (6) Richard Prather - residence Indian Territory.
- (7) Minnie Turner - residence Vinita, Indian Territory.

That she will make a perfect inventory of, and faithfully administer all of the estate of the deceased and pay the debts as far as the assets will extend and the law direct and account for and pay all assets which shall come to her possession or knowledge. That she is the widow of said decd.

(Signed) Lenora Prather

Subscribed and sworn to before me this 18th January 18th 1895.

(Signed) D. E. Havens

: : : : :
: Seal :
: : : : :

Commission
expires Mar. 11th, 1896.

Notary Public.

No.226. CERTIFICATE OF TRUE COPY. Printed and for sale by
Standard Printing Co., Hannibal, Mo. Class 12.

State of Missouri, :
County of McDonald : SS.

I, J. R. Caldwell Judge and Exofficio Clerk of the Probate
Court in and for said County, hereby certify that the above is a
true copy of the original application for letters of administration
on Estate of R. L. Prather decd, as filed by Lenora Prather as the
same appears on file in my office.

Witness my hand and the seal of said Court. Done at office in
Pineville Mo. this 30th day of October, 1902.

(Signed) J. R. Caldwell Judge and Exofficio

(SEAL)

Clerk of Probate

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment
Division of the Commission to the Five Civilized Tribes, and custo-
dian of the records of said division, do hereby certify that the
above and foregoing is a true and correct copy of the original on
file in the office of the said Division.



Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 24th day of November, 1902.



Notary Public.

LETTERS OF ADMINISTRATION.

State of Missouri, :
:SS. .
County of McDonald : IN THE PROBATE COURT.

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME--GREETING:

KNOW YE, that R. L. Prather late of the County of McDonald, and State of Missouri, died intestate as it is said, having at the time of his death, property in this State which may be lost, destroyed or diminished in value, if speedy care be not taken of the same; To the end, therefore, that said property may be collected, preserved and disposed of according to law;

WE DO HEREBY APPOINT Lenora Prather administratrix of all and singular, the Goods and Chattels, Rights and Credits, which were of the said R. L. Prather at the time of his death, with full power and authority to secure and dispose of said property according to law, and collect all moneys, due said deceased, and, in general, to do and perform all other acts and things which are ^{or} hereafter may be required of her by law.

:::::
:Seal:
:::::

IN TESTIMONY WHEREOF, I J. P. Caldwell Clerk of the Probate Court, in and for the County of McDonald, hereto sign my name, and affix the seal of said Court at office in Pineville Mo., this 19th day of January A. D. 1895.

(Signed) J. P. Caldwell

Clerk of Probate Court

State of Missouri, :
:SS. IN THE OFFICE OF THE PROBATE COURT
County of McDonald :

I, J. P. Caldwell Clerk of the Probate Court, within and for said County, do hereby certify that the within Letters of Administration are duly recorded in my office in Book A. for recording letters of administration at page 228.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of said Court, at my office in Pineville Mo. this 5th day of March A. D. 1895

(SEAL)

(Signed) J. P. Caldwell Clerk

State of Missouri:
:SS.
County of McDonald:

I, J. P. Caldwell Judge and Exofficio Clerk of the Probate Court in and for said County, hereby certify that the above is a true copy of the original Letters of administration on Estate of R. L. Prather granted to Lenora Prather as the same appears of record in my office.

Witness my hand and the seal of said Court. Done at office in Pineville, Mo. this 30th day of October 1902.

(Signed) J. P. Caldwell Judge and
(SEAL) Exofficio Clerk of Probate

Department of the Interior,
Commission to the Five Civilized Tribes.

Muskogee, I. T., December 15, 1902.

I, the undersigned, Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes, and custodian of the records of said division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of the said Division.

Chief Clerk Cherokee Division.

Subscribed and sworn to before me this 24th day of November, 1902.

Notary Public.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 13 1900

Copies of the record
of the action of Richard L. Brown
in Cherokee citizenship.
At issue of H. L. A. West
the divorced wife of Richard L.
Brown.

Civilized tribes.

To the Commission to the Five

To the Commission to the Five
Civilized Tribes.

Copies of the record of
the admission of Richard L. Prather
to Cherokee Citizenship.

Affidavit of Hattie A. Weir
the divorced wife of Richard L.
Prather.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 13 1900

The following are true copies of the papers herein set forth.

Office Supreme Ct.

Room Tahlequah C. N.

I hereby certify that the case of the Cherokee Nation VS. Caroline C. Prather, has from the submitted testimony been decided in favor of the Claimant. That Caroline C. Prather is entitled to Cherokee Citizenship by blood: and entitled to all the rights and privileges as such.

Decr. 19th. 1870.

R. F. Daniel

C. J. S. Ct.

I certify that the above certificate is a true copy of the original.

S. S. Stephens

Clk. Protem

Special Crt. ~~James C. Daniel~~ 5.

This is to certify by me that R. A. Prather A white man was licensed to marry Caroline Rogers A Female Cherokee on the 5th. day Feb. 1869 and the Licenses Executed and Returned Feb. the 14th. 1869 Being with according to the act past by the National Council Daring Date Oct. the 15th. 1855 In Regard to white Men Maring in this Nation

J. J. Mc. Ghee Clk.

D. C. D. D. C. N.

Clerk Office Delaware Dist. C. N.

This is to certify By Me that the above is a true copy that appears on the old Marriage Record Book on file in the Clerk office Delaware District Cherokee Nation.

~~XXXXXX~~ Witness My Hand And Seal of office on this the 16th. Day July 1886

~~Delaware Dist. C. N.~~

J. J. Mc. Ghee

Clerk Delaware Dist. C. N.

R. A. Prather,

Of the Commission on Citizenship, C.N.

June 27" 1887.

Cherokee Nation.

C	No.		
Locket.	Family	(VS)	Attorney.
	1		
	1	R. A. Prather	
		&	
242		Caroline Prather	

Case called June 27" 1887.

W. P. Bourdinot

and by consent of parties was

E. C. Bourdinot.

continued until Aug. 11" 1887.

The above case was tried Aug. 18" 1887. And has since that time been awaiting the action of the Commission of Citizenship upon the charge of fraud and bribery having been used in securing the judgment on the Commission, granting said Prathers citizenship in the Cherokee Nation (Sec. 18th? Sec. of an Act of Dec. 8th. 1886.) The case was duly tried and the Nation's Atty. Hon. R. F. Wyly used every endeavor to ferret out the alleged charge. This case was tried and admitted to citizenship Dec. 19" 1870 by the Rob. Daniels Court of Commission. The witnesses in this are all about dead and the original testimony upon which the commission based their opinion has nearly all been lost in consequence of which, the Attorney for the Nation had but little margin to work on.

We the Commission of Citizenship fail to find that fraud or bribery has been resorted to by said Prathers in obtaining their citizenship in the Cherokee Nation, on Dec. 19th. 1870-

We find for the defendants in this cause.

J. T. Adair, Chairman Commission.

L. W. Lipe, Commissioner.

H. C. Barnes, Commissioner.

Of the Com. on Citizenship,

Tahlequah, I.T., Nov. 1st. 1898.

I, William M. Gullager, Assistant Executive Secretary hereby certify that the above is a true and literal copy of the page given and is now a matter of record in this Department.

Given at Tahlequah, I.T., 15" Oct. 1898.

William M. Gullager,
Asst. Ex. Secretary.

Seal of the Cherokee Nation.

Printed Seal E. Dept.

EXECUTIVE DEPARTMENT,
Cherokee Nation, Ind. Ter.
Tahlequah, July 13th 1880.

I, W. P. Boudinot, Executive Secretary of the Cherokee Nation, hereby certify that this the following copy to-wit:-
COPY.

" No. 1. Whites or Indians admitted to Cherokee Rights and Citizenship

" No. Name. Color of Blood. How admitted. From what list. Remarks

" 21. Caroline C. Prather, Cherokee. Admitted by blood. Delaware. "

and children to-wit:-

Richard L. Prather.

Margaret J., Roll. 7.

Harriet L., Sam'l A.

Thos. W., Georgie E.

* * * * *

" is a true and correct copy from the aforesaid record made and kept on file in this department of the original report of the Chief Justice and Clerk of the Supreme Court of the Cherokee Nation, sitting as a Court of Commissions by authority of an Act of the National Council of the Cherokee Nation approved Dec. 3rd. 1869, to try and finally decide claims for Cherokee Citizenship--the said original report recorded as aforesaid being dated the 21st. day of June, 1871, and signed by " R. B. Daniel, Chief Justice of the Supreme Court", and by " W. H. Turner Clerk Supreme Court", and the record of this department showing that the said signatures were acknowledged as genuine and their report authentic. In witness whereof I hereunto set my hand and affix the seal of this department on this the date first above written.

W. P. Boudinot.

Executive Secretary, C.N.

Seal of the Cherokee Nation.

Executive Department
Cherokee Nation.

I hereby certify that the Supreme Court of the Cherokee Nation was duly authorized by Act of Council approved Dec. 3rd 1869 to try and finally decide applications for admission to Cherokee Citizenship and to permanently admit or reject such applicants, according to the evidence submitted by them severally to said Court--and that the foregoing certified copy of proceedings of said Court, being under full authority, and showing the admission of the Prather family, as designated by name & full copy, to Cherokee Citizenship, is a true and correct copy from the findings and decision of said Court as required by said Act of Council to be reported and placed on file in this department.

In witness whereof I hereunto set my hand and affix the seal of this department on this the 3rd. day of Nov. A.D. 1880.

UNITED STATES OF AMERICA

INDIAN TERRITORY

NORTHERN DISTRICT.

S.

I, Preston S. Davis, a Notary Public within and for the Northern District of the Indian Territory, duly commissioned and acting, do hereby certify that the above and foregoing papers hereto attached are true and correct copies of the papers they purport to be copies of and that each of same was duly compared with the paper from which it was taken by me and found to be correct. That the papers of which these papers are copies are in the possession of Robt. A. Prather, of Vinita, I.T.

In testimony whereof I hereunto set my hand and affix my official seal this the 12th day of July, A.D. 1900.

Notary Public.

My Com. Expires the 12th day of February, 1901.

UNITED STATES OF AMERICA

INDIAN TERRITORY

NORTHERN DISTRICT.

S.D.

Affidavit of Mrs. Hattie A. Ware.

Mrs. Hattie A. Ware of lawful age being first by me duly sworn according to law on her oath deposes and says: My name is Hattie A. Ware, I am 35 years of age. I reside in Vinita, I.T. I was married to Richard L. Prather under my maiden name of Hattie A. Carr on the 19th day of July, A.D. 1881 under the laws of the Cherokee Nation. After said marriage I live with Mr. Prather about ten years as his wife and we had 3 children born to us, two of whom are still alive. I was lawfully divorced from Richard L. Prather, by a decree from the Circuit Court of Cooweescoowee District, Cherokee Nation, Indian Territory, at Claremore, I.T., in May, 1891. Mr. Pussal was my attorney and I saw Mr. Prather with the decree after it was granted and Mr. Prather kept this paper. I know that we were legally divorced according to the laws of the Cherokee Nation. We were both citizens of the Cherokee Nation by blood and the Circuit Court of Cooweescoowee District was the court of competent jurisdiction to hear and determine divorce cases at that time between citizens of the Cherokee Nation. Since I was divorced from Mr. Prather I have married John M. Ware and am living with him in Vinita as his wife and there have been born to us of this marriage two children. Richard L. Prather after we were divorced married a ~~MISS LERORA~~ Mrs. Lerora Lion and lived with her as his wife up to his death. I know that Richard Prather and his wife Lenora Prather had two children born to them in lawful wedlock. I have no interest in this matter. I make this statement voluntarily and of my own free will.

Subscribed and sworn to before me on the 1st day of July, A.D. 1900.

Notary Public.

My Comm. Exp. 15th 1901.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee, I. T. August 26th 1902.

In the matter of the application of Effie Denton for enrollment as a citizen by blood of the Cherokee nation. C. D. 79.

The testimony in this case shows that Effie Denton was sixteen years of age when she made her application for enrollment in this case, August 6th 1900; that she is a daughter of Richard L. Prather and a grand daughter of Caroline Prather; and the testimony shows that Caroline Prather was admitted to citizenship in the Cherokee Nation December 19, 1870, but the Cherokee nation contends that it does not show that Richard L. Prather the father of the applicant was ever admitted to citizenship in the Cherokee nation but it is contended by the Cherokee Nation that the certified copy of the report of W. P. Boudinot filed in this case purporting to be a report of persons previously admitted to citizenship in the Cherokee Nation and made sixteen years after they were said to have been admitted was clearly erroneous and untrue because the record herein above referred to shows that one Caroline Prather was admitted to citizenship and none other and the decision of the Adair Court on June 27th 1887 was only as to R. A. Prather and Caroline Prather, husband and wife and did not include the said Richard L. Prather the father of the applicant hence there is no record whatever in this case that the said Richard L. Prather was ever admitted to citizenship in the Cherokee nation or that he was a recognized citizen of the Cherokee Nation and there is no evidence tending to show that the said Richard L. Prather was a minor at the time his alleged mother Caroline Prather was admitted to citizenship in the Cherokee Nation.

Again the testimony discloses that the applicant's mother's name was Bettie and that she was a whitewoman and there is no testimony or other tending to show that the father and mother were married or where they were married or where the applicant was born or is there sufficient testi-

mony as to her residence..

In view of these facts we submit that they are insufficient to entitle the applicant to be listed for enrollment as a citizen of the Cherokee Nation by blood.

Respectfully submitted,

W. W. Hastings
Attorney for the Cherokee nation.

J. C. S.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sam Houston Prather, et al. as citizens by blood of the Cherokee
Nation, consolidating the applications of

Sam Houston Prather, et al.,.....	Cherokee	D 16
Jesse Q. Prather,.....	"	D 976
Effie Denton, et al.,.....	"	D 79
Georgia A. Seabolt, et al.,.....	"	D 119

D E C I S I O N.

The record herein shows that applications for enrollment as citizens of the Cherokee Nation were made to this Commission, by Lenora Prather for the enrollment of her two minor children, Sam Houston Prather and Maggie Prather, as citizens by blood of the Cherokee Nation and for the enrollment of herself as a citizen by intermarriage of said Nation, but as the status of persons claiming citizenship by intermarriage in the Cherokee Nation is not fixed at this time, the application for the enrollment of Lenora Prather, as such, will not be passed upon or considered in this decision; by Lee B. Prather for the enrollment of his minor nephew, Jesse Q. Prather, as a citizen by blood of said Nation; by Effie Denton for enrollment as a citizen by blood of said Nation; that subsequent to the date of her application a birth affidavit as to her minor child, Maggie Denton, was filed with the Commission and the same is made a part of the record herein; by Luna Seabolt for the enrollment of his wife, Georgia A. Seabolt, as a citizen by blood of said Nation; and subsequent to the date of his application an affidavit as to the birth of his minor child, Sam H. Seabolt, was filed with the Commission and the same is made a part of the record herein. Copies of the testimony taken at various times in the matter of the applications for the enrollment of Robert A. Prather, et al. and John Parks, et al. are made a part of the record herein.

The evidence shows that all the applicants herein are the descendants of one, Richard L. Prather, a Cherokee by blood; that the said Richard L. Prather is the son of Caroline C. Prather who was admitted as a citizen by blood of the Cherokee Nation by the duly constituted authorities of said Nation on December 19, 1870, at which time the said Richard L. Prather was a minor; and that all said descendants of Richard L. Prather were born since December 19, 1870.

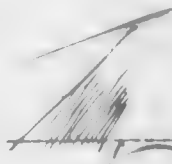
The evidence further shows that the said applicants are identified on the tribal rolls of the Cherokee Nation as follows: Sam Houston Prather on the 1894 strip payment roll and on the 1896

census roll; Jesse Q. Prather on the 1896 census roll; Effie Denton by the name of Effie Prather on the 1894 strip payment roll and on the 1896 census roll; Georgia A. Seabolt by the name of Georgia A. Prather, on the 1894 strip payment roll and by the name of Georgia Prather on the 1896 census roll. It further appears that the said Richard L. Prather, through whom the applicants claim citizenship, is identified on the 1894 Cherokee strip payment roll and on the 1896 Cherokee census roll; and that Luna Seabolt, father of the applicant, Sam H. Seabolt, is identified on the 1890 authenticated Cherokee roll.

The evidence further shows that the said Jesse Q. Prather and Effie Denton have resided in the Cherokee Nation continuously for more than ten years immediately preceding the date of their applications herein and that Georgia Seabolt has continuously resided therein from 1897 up to and including the date of her application herein; that the residence of the said Margie Denton and Sam H. Seabolt is considered to have been in the Cherokee Nation since their birth; and that the residence of the said Sam Houston Prather and Margie Prather was established in the Cherokee Nation prior to June 28, 1898.

It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph D. Yeargan, et al. (I.T.B. 2900--1903), that Sam Houston Prather, Margie Prather, Jesse Q. Prather, Effie Denton, Margie Denton, Georgia A. Seabolt and Sam H. Seabolt should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.



Secretary.

Indian Territory,

SEP 18 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE-CIVILIZED TRIBES.

In the matter of the application of Effie Denton for enrollment of herself and her daughter, Margie Denton, as citizens by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 6, 1900 Effie Denton appeared before the Commission at Sallisaw, Indian Territory and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory on February 17 and 20, 1902. Affidavits as to the birth of Margie Denton were filed on September 16, 1901.

The evidence shows that the applicant, Effie Denton, nee Prather, was lawfully married to one Denton on March 15, 1900; that she is a Cherokee by blood and is duly identified on the 1894 strip payment roll and the 1896 census roll. Her parents are not identified on any of the tribal rolls of the Cherokee Nation, but in the case of the Cherokee Nation vs Caroline Prather, as shown by the dockets of the Supreme Court of said Nation while acting as a special Court of Commission, the defendant in said cause, the grandmother of this applicant, was declared and adjudged by said Court on December 19, 1870 to be a citizen by blood of the Cherokee Nation. It further appears that in 1880 the said Caroline Prather and her husband, E. A. Prather, grandparents of this applicant, together with their children including Richard L. Prather, applicant's father, were charged with obtaining citizenship in the Cherokee Nation through fraud and bribery, wherein it was sought, among other things, to annul the finding and judgment of said Court on December 19, 1870, and that the Supreme Court in said Nation, acting as a Court of Commission by authority of an Act of its National Council, approved December 3, 1869, under which it was empowered to try certain claims of Cherokee citizenship and to finally decide and report the same to the Executive Department of said Nation, did in pursuance of said authority hear and determine the said charge of fraud and bribery on August 18, 1887; that the finding of said Court, acting as such Court of Commission, in said cause, on said date, was for the defendants and was in substance a confirmation of the decision of said Supreme Court as aforesaid on December 19, 1870; that the records in said cause show that the applicant's said grandparents Caroline Prather and E. A. Prather, and also her father, Richard L. Prather, were admitted to citizenship in said Nation as Cherokees by blood.

The evidence further shows that the applicant, Effie Denton, has been a resident of the Cherokee Nation all of her life, and that her minor child, Margie Denton, has resided with her since her birth.

It is, therefore, the opinion of this Commission that Effie Denton and Margie Denton should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of Section 21 of the Act of Congress, approved June 25, 1896 (30 Stats. 492), and it is so ordered.

COMMISSION TO THE FIVE-CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this AUG 19 1902

Cherokee D 79.

Muskogee, Indian Territory, August 19, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 19, 1902, granting the application of Effie Denton for the enrollment of herself and her child, Margie Denton, as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 9.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jesse Q. Prather as a citizen by blood of the Cherokee Nation:

D E C I S I O N .

The record in this case shows that, on December 14, 1900, Lee E. Prather appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of his minor nephew, Jesse Q. Prather, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 15, 1902. The evidence taken in the case of Caroline C. Prather et al., at Vinita, Indian Territory, on October 3, 1900, together with the evidence in the case of Lenora Prather et al., taken at Muskogee, Indian Territory, June 24, 1902, is filed with and made a part of the record in this case.

The evidence shows that the said Jesse Q. Prather is the minor son of one Richard L. Prather and his wife, Bettie Prather, a white woman. He is duly identified upon the 1896 Census roll of the Cherokee Nation. From the records of said nation, in possession of the Commission, it is shown that Caroline C. Prather, mother of Richard L. Prather, was declared to be a citizen by blood of the Cherokee Nation by the Daniels Court on citizenship December 19, 1870 (Docket of doubtful cases for Cherokee citizenship, tried in 1871, page 3). Owing to a charge of fraud being made in said case, a rehearing of the same was had before the Commission on citizenship in the Cherokee Nation on August 18, 1887, and it was decided "that the Commission on citizenship failed to find that fraud or bribery had been resorted to by the Prathers in obtaining their citizenship in the Cherokee Nation on December 19, 1870" (Docket A, Commission on Citizenship 1887, page 243).

The evidence further shows that Richard L. Prather was a minor on December 19, 1870.

The evidence further shows that the said Jesse Q. Prather has resided in the Cherokee Nation since the year 1890 up to and including the date of this application.

It is, therefore, the opinion of this Commission that Jesse Q. Prather should be enrolled as a citizen by blood of the

Cherokee Nation, in accordance with the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Muskogee, Indian Territory,
this _____

Commissioner.

Cherokee No. D. 16

Muskegee, Indian Territory, January 10, 1907.

Lenora Prather,
Grove, Indian Territory

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D-----

Commissioner.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah L. Har	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Benge	1276	Lizzie Benge	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidecock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hacks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	John M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Rosborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAfee	3543
Elisha M. Gray	2686	William T. Hunt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donahoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lombard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4244	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Pigrow L. Jones	4641
Maud Adams	4277	Ada Berthalf	4642
Elizabeth Black	4281	Mice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemen C. Peck	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Ruttinggourd	4991
Annie E. Coker	4605	Ida McCay	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5207
William Steere	4619	Donnie Burgess	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Ellie M. Adams	5622
Aunie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberry	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Electer D. Miller	5496	Thomas B. Wood	5681
Emberson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyly	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westenhaver	5611	Edward Lutz	5816
Emma H. Rouch	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Amelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Edna M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Barley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Benge	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghormley	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Abbie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James I. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tynes	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Poca Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Barr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Legna Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tynes	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Pindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pailee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Madlin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hall	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9949
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carriek	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nanfie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Abbie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Wattie Sherley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Foster	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleb Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lawrence	10148
Wiley B. McElhanev	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parnelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles B. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matov	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracie Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Fitta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cicero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarborough	D 875

Rhoda A. Sanders	D	878	Ella Vann	D	1320
Manuel Spencer	D	884	Lamine Wolford	D	1330
Benjamin H. Hulbert	D	891	Minnie Dowling	D	1332
Mary Brassfield	D	935	Katie Reber	D	1334
James L. Tindle	D	944	Samuel G. Mill	D	1337
Silas G. Renecker	D	966	Alfred H. Wood	D	1342
Eliza Wolford	D	967	Cynthia Whitekiller	D	1352
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Guinn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Collier	D	1367
Nellie C. Helterbrand	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Warren	D	1375
Lizzie Christian	D	1010	Mattie Miller	D	1433
George Hazlewood	D	1013	S. F. Moore	D	1434
James M. Jones	D	1022	Addie Schrammer	D	1448
Reuben A. Evans	D	1032	Fannie Vann	D	1458
Carrie H. Cobb	D	1049	Marcella Blakeney	D	1474
John M. Burns	D	1069	G. W. Williamson	D	1555
Sarah E. Henson	D	1083	C. F. Walker	D	1558
Laura D. Henson	D	1086	Louisa Blevins	D	1567
Hettie E. Downing	D	1090	Frank Cowles	D	1581
Benjamin F. Crain	D	1099	Mary Francis Mading	D	1637
Benjamin Strickler	D	1129	Thomas Rodman	D	1661
Nancy Spaniard	D	1130	Katie Still	D	1866
Annie Wilson	D	1131	Ira Crouch	D	1913
Ora H. Maxwell	D	1135	D. A. Mounts	D	1967
Reuben W. Moore	D	1136	J. C. Sefton	D	1991
Cora Childs	D	1146	Jennie Holland	D	2024
Janie Hughes	D	1179	Lon Sanders	D	2216
Francis B. Reid	D	1180	Caroline Barnes	D	2591
Martha Carey	D	1195	Lacey Crane	D	2592
Christina Johnson	D	1199	Daisy Cash	D	2595
Louvenia Ironside	D	1208	Hiram A. Landers	D	2599
Martha J. Henson	D	1218	Charles Neel	D	2603
David A. Martin	D	1228	Mattie Robinson	D	2605
Fred D. McEnery	D	1235	Jennie Rich	D	2606
Nathaniel R. Martin	D	1261	Alexander C. Russell	D	2607
James H. Requa	D	1266	Pricilla Ross	D	2608
Frank Carver	D	1267	Tom W. Reeves	D	2609
Etta B. Payne	D	1270	Mary Smart	D	2612
Mary Garrett	D	1271	Rufus Tidmore	D	2613
Joe W. Goodman	D	1272	Jasper Turpitt	D	2614
Mathew J. Flanigan	D	1274	Mabel West	D	2618
Lizzie C. Holland	D	1285	Ophelia West	D	2619
Etta Downing	D	1291	Cora Whisenand	D	2620
William Caywood	D	1296	Katy Martin	D	2667
Clarence W. Turner	D	1307	Willis Butler	D	2686
Alfred Chaney	D	1313	Clara Batzer	D	2687
Euphemia Sweetwater	D	1314	Dicie Conner	D	2698
Etta Russell	D	1319	John Culwell	D	2699

Herbert F. Couch	D	2700	Samuel A. Parkhurst	D	2821
Albert C. Dykes	D	2703	Ellen Rogers	D	2822
Delora Drew	D	2704	Elijah Rolland	D	2827
Frank F. Danderson	D	2705	Endora Steele	D	2828
James Gafford	D	2708	William M. Stucker	D	2829
Anna L. Harlin	D	2715	Sallie Tauuneacie	D	2831
William R. Lipsey	D	2717	Mary Tassle	D	2832
Bertha Landrum	D	2718	John F. Wolf	D	2835
Lila More	D	2722	Ruth A. Ward	D	2840
John D. Mathews	D	2723	Winnie Daugherty	D	2884
Mary McIntosh	D	2725	Mary Guthrie	D	2885
Bertha Nidiffer	D	2730	Lydia Long	D	2886
Richard Nichols	D	2731	Edda Roberts	D	2887
William S. Ross	D	2738	Manda Ward	D	2889
Irene Riley	D	2739	Elmira J. Alberty	D	2905
William H. Rowley	D	2740	Thomas C. Cordray	D	2906
Colombus C. Scroggins	D	2741	Edward Fowler	D	2907
Della Summers	D	2743	Dora Foreman	D	2908
William S. Sage	D	2744	Parker Holt	D	2909
Eliza Thomas	D	2748	John Haston	D	2910
John P. Thurman	D	2749	Georgie Harlin	D	2911
Mary E. Davis	D	2770	Percillia Johnson	D	2913
Jessie Frick	D	2774	Bettie Morton	D	2915
Emma Buffington	D	2788	Samantha Spade	D	2917
Will Black	D	2789	Mariah Ward	D	2918
Maggie E. Davis	D	2792	Ellen Watt	D	2919
Thomas Dotts	D	2793	Nora Morten	D	2920
William Daws	D	2794	Lizzie Anderson	D	2981
Nancy Dawson	D	2796	Francis Duval	D	2984
Lena Fields	D	2797	Wade S. Hayes	D	2987
Edlie Grayham	D	2798	James A. Hankins	D	2988
Alice C. Hill	D	2799	Joseph Hardee	D	2991
Bertha H. Harlin	D	2800	Tennie Horn	D	2992
Margrett C. Hudson	D	2801	Eveline Hall	D	2993
Joseph A. Kelley	D	2803	John E. Leftwich	D	2995
Andrew O. Kepler	D	2804	Mattie Henson	D	2994
Josephine King	D	2805	John D. Colvard	D	2998
Sarah Jane Birdsong	D	2806	Charles W. Phillips	D	2999
Marion Maddox	D	2807	Sarah Shanks	D	3000
John A. McKenzie	D	2808	Nettie Young	D	3009
Ione McGee	D	2809	Jerry P. Ables	D	3048
Ollie Miller	D	2810	Almedie Ross	D	3052
William A. Martin	D	2811	John S. J. Fowler	D	3055
Jesse P. Morrow	D	2812	Leaner Hood	D	3056
Oliver Mason	D	2813	James D. Jackson	D	3057
Edna Whitehead	D	2814	Emma G. Nelson	D	3058
Charley Nuckolls	D	2815	Alice Simco	D	3059
Etta M. Nidiffer	D	2817	George O. Wallace	D	3060
Lonizer Ossowee	D	2818	Fannie Clay	D	3078
William H. Patterson	D	2820	Ellen Drew	D	3079

Luc Fish	D	3081	Della Baldrige	R	105
Hornce Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lela C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Pharriss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907

Cherokee

Q 16

Muskogee, Indian Territory, March 13, 1907.

Leenora Prather,

Grove, Indian Territory.

Dear Madam:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-100
LMC

Cher R 1020

Trans from Cher D17

Cher R 1020

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 12 1900

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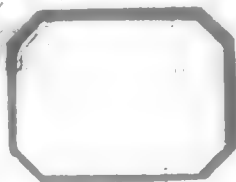


DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

FEB 11 1901



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MARRIAGE LICENSE.

CHEROKEE NATION,

DISTRICT.

TO ANY PERSON LEGALLY AUTHORIZED--GREETING.

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between M^r. *John A. Smith* a citizen of the United States, and M^{rs}. *Anna M. Williams* a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty

days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office, this the

day of *December* 189*2*

Clerk

District

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FAIRLAND, I. T. JULY 12th, 1900.

IN THE MATTER OF THE APPLICATION OF Andrew M. Cooter for enrollment as a citizen of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Andrew M. Cooter.
Q What is your age? A Thirty one.
Q What is your Postoffice address? A Miami.
Q Where do you live? A Miami.
Q Make your residence there? A I am staying there.
Q How long have you lived there? A About six years.
Q Where did you live in 1898? A I lived in Miami.
Q Where did you live prior to that time? A I have lived at Miami since 1894.
Q Are you a Cherokee? A No sir; by adoption.
Q Where did you live before that? A In Kansas.
Q Moved from Kansas to Miami? A Yes sir.
Q You make application as an inter-married citizen? A Yes sir.
Q Have you a certificate of marriage? A No sir, I have not; my certificate of marriage is with the Dawes Commission; I believe it was in 1896 I gave it to my attorney.
Q Does your name appear on the 1896 census Roll of the Cherokee Nation? A Yes sir.
(Roll of 1896 examined, and on Page 567 thereof, #90, Delaware District, appears the name of Andrew M. Cooter)
Q Did you ever apply to the Cherokee tribal authorities for citizenship? A No sir.
Q Did you apply to the Commission to the Five Civilized Tribes in 1896? A Yes sir.
Q Were you admitted or rejected? A I reckon I was admitted; I never heard anything to the contrary.
Q Did any one else apply with you? A My wife.
Q Your father or your mother? A No sir.
Q Brothers or sisters? A No sir.
Q Are you married? A Not now; my wife is dead.
Q You were married? A Yes sir.
Q Under what law were you married? A Cherokee.
Q Whom did you marry? A Mary Williams.
Q Was she a Cherokee citizen? A Shawnee Cherokee.
Q Was her name on the Roll of 1880? A Yes sir.
Q What was her name in 1880? A Mary Williams.
Q Under what law were you married? A Cherokee law.
Q Who married you? A Pete Hastings.
Q You say you have no certificate of marriage? A No sir, I have not got the certified one; I did not think it worth while to bring the other; I gave the certified copy to the Commission.
Q Have you the original certificate? A Not with me.
Q Have you the original certificate at home? A Yes sir, the one Mr. Hastings gave me.
Q Did Hastings marry you? A Yes sir.
Q Where were you living at the time of your marriage? A Miami.
Q Have you any children? A No sir.
Q You just apply for citizenship for yourself? A Yes sir.
Q Now, as I understand you, you were born in Kansas? A No sir.
Q Where? A State of Missouri.
Q And moved from Missouri to Kansas? A Yes sir.
Q And moved from Kansas to Miami, which is on the Quapaw Reservation, and you have lived there continuously from that day to this? A Yes sir, been staying at Miami; my farm is on this side of the River.
Q You never lived on this side of the River? A No sir.
Q And you were married in Miami? A No sir.
Q Where? A Cherokee Nation.
Q Have you any other statement you desire to make in regard to your marriage? A I do not know of any; no sir.

Mr. Cooter, the name of your wife appearing on the authenticated Rolls of 1880 is conclusive as to her citizenship as a member of the Cherokee Tribe of Indians: You, according to your evidence, was married in 1895, and have never established your residence in the Cherokee Nation, but you have always lived at Miami and have lived continuously at Miami, which is not within the limits of the Cherokee Nation: The Commission will order your name placed upon what is called a doubtful card, or doubtful list; the evidence submitted will be considered by the Commission when the final Rolls of the Cherokee Nation are completed, and you will in the near future be supplied by mail with the decision of the Commission in regard to your citizenship. You will also be required to file with this Commission a certificate or certified copy of your certificate of marriage; this you can mail to the Commission at its main office in Muskogee.

R. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and correct transcript of his stenographic notes in said case.

R. R. Cravens

Sworn to and subscribed before me this 12 day of July, 1900.

[Signature]

COMMISSIONER.

D - 17.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 11, 1901.

In the matter of the application of Andrew M. Cooter for enrollment as a Cherokee citizen: -

Supplementary testimony.

Andrew M. Cooter, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

- Q Give me your full name. A Andrew M. Cooter.
Q How old are you? A I am now 32.
Q What is your postoffice? A Miami.
Q In what district do you live? A Delaware.
Q You want to give some testimony in regard to the enrollment of Andrew M. Cooter? A Yes sir.
Q You are the Andrew M. Cooter who applied July 12th, 1900, for enrollment? A Yes sir.
Q You didn't have a certificate of marriage? A No sir, not at that time.
Q Have you it now? A Yes sir.

The applicant presents a license issued by the Clerk of Delaware district December 4th, 1895, authorizing marriage between himself and Miss Mamie Williams. The certificate shows that they were united in marriage on the same date by the Clerk of the district. This is filed herewith.

- Q Your wife is dead, is she? A Yes sir.
Q Her name was Mamie Williams? A Yes sir.
Q Did you say you applied to the Dawes Commission in 1896 for admission to citizenship? A Yes sir.
Q You applied for admission did you? A Yes sir.

By W.W.Hastings, representative of the Cherokee Nation-

- Q Wasn't it in 1897, when they were enrolling intermarried white men -- did they include your wife ~~Mamie Williams~~ name in that application? A I couldn't say.

redirect.

- Q What was the result of your application in 1896? A I never heard from them at all. My marriage certificate remained with them. It was there when I made my application for enrollment last summer.
Q You got it from the files here? A Yes sir.
Q Do you mean to say that you applied in 1897 for enrollment? A I will tell you Judge Denison and Lake Moore came over there and said they were making up a roll. I was trying to get on the roll at that time.
Q When was that? A In '97, I think.
Q You never applied to the Dawes Commission for admission? A No, I guess not.

There is no evidence found in the record that application was ever made to the Dawes Commission for admission to Cherokee citizenship.

- Q Now, Mr. Cooter, were you ever married except to this wife, Mamie Williams? A No sir.
Q Was she ever married except to you? A No sir.
Q Did you and she live together from the time of your marriage until she died? A Yes sir.
Q Have you ever married since she died? A No sir.
Q It appears in your former testimony in July that you were living at Miami? A Yes sir.
Q Where is Miami? A Right across the river; my place is in the Cherokee Nation. The river forms the line.
Q Between what? A The Quawpaw Agency.

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2- A.M.C.

Q You are in the Quawpaw Agency? A Yes sir.
Q It seems you lived in the Quawpaw Agency since 1894? A Yes sir.
Q And that before that you lived in Kansas? A Yes sir.
Q When did your wife die? A She died in August, 1897.
Q Give me the name of your wife's father. A Richard Williams.
Q Is he dead? A Yes sir.
Q Give me the name of your wife's mother? A Margaret.
Q Is she dead? A Yes sir.
Q Did your wife live all her life in the Cherokee Nation? A No sir, she was born in Kansas.
Q How old was your wife when she died? A She was 29.
Q She was born in Kansas, and when did she first come to the Cherokee Nation? A In '66, I think. No, I maybe mistaken about her being born in Kansas. I am not sure about that. Either in '66 or '69 they came to the Cherokee Nation.
Q She came with her father and mother? A Yes sir.
Q She lived in the Cherokee Nation from that time until she died? A Yes sir.
Q After her marriage to you she lived in the Quawpaw Agency? A I married her in the Cherokee Nation. We kept the majority of our things of the farm in the Cherokee Nation, even until this day I reserve it for my special use, and have since our marriage. I had it there all the time.
Q What business are you engaged in at Miami? A Physician.
Q Practicing medicine there? A Yes sir.
Q How long have you lived there, since '94? A Yes sir.
Q Been practicing there ever since? A Yes sir. I was away from there awhile. After my wife's death I staid on our place on the Cherokee ~~side~~ side about three months.
Q What interests have you had in the Cherokee Nation since you married your wife in 1895? A I have a farm.
Q Had the farm all the time? A Yes sir.
Q You still operating that farm? A Yes sir.
Q Stock farm or cultivated land? A Cultivated land.
Q How much land have you in cultivation? A Three hundred acres.
Q Do you derive rents and income from that now? A Yes sir.
Q Is there anything further you want to say about your case? A Only in regard to my residence, I thought at the time of giving my testimony I never thought of the other matter, it slipped my memory, and they stated my residence had something to do with me being on the doubtful side of it, and I want to clear that up if I could. I don't consider that my residence is out of the Cherokee Nation. I have my effects over there, and have ever since my marriage.
Q You vote in the Cherokee Nation? A Yes sir, ever since I was married.
Q You never voted outside of the Cherokee Nation since your marriage? A No sir.

The evidence now given will be filed with case D-17, and it will be noted that the certificate of marriage and marriage license have been filed.

E.G. Rothenberger, being sworn, states that a stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 12th day of February, 1901.

Commissioner.

"R"

Cherokee D 17

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application of Andrew M. Cooter for enrollment as a Cherokee citizen;

Appearances:

Applicant in person.

W.W.Hastings, attorney for the Cherokee Nation.

ANDREW M. COOTER, being sworn and examined, testified
as follows:

BY COMMISSION:

- Q What is your name? A Andrew M. Cooter.
Q How old are you? A 33.
Q What is your post-office address? A Miami, Indian Territory.
Q Are you an applicant before this Commission for enrollment as
a Cherokee by intermarriage? A Yes sir.
Q Is there any statement you desire to make relative to your
enrollment? A I stated it I expect, of course I brought my cer-
tificate with me when I came the last time. As to my residence,
I am married, my wife lives on the Cherokee side, that's across
the river, and we have always, and I have since her death, kept a
portion of the household goods there, and I have since taken to the
running of the place, and always kept a portion of, well all the
goods since her death have been there, but a portion of them have
always been kept there.
Q Is your wife living? A No sir.
Q Have you remarried since her death? A No sir.
Q How far is Miami from the line? A Right on the line, the river
divides it.
Q You are living right in the town of Miami? A I am boarding
there, yes sir.
Q You are a physician? A Yes sir, matter of convenience of course.
Q Does your practice extend to the Cherokee Nation? A Yes sir.
Q Do you submit this case now to the Commission for final con-
sideration? A Yes sir.
Commission: The Cherokee Nation submits.

M.D.Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 18, 1902.



Commissioner.

Cherokee D-17.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 6, 1902.

In the matter, of the application of Andrew M. Cooter for
enrollment as a citizen of the Cherokee Nation.

—o—

Supplemental Statement.

An examination of the 1880 authenticated tribal roll of
the Cherokee Nation discloses that Mary Williams is duly identified
on said roll, page 336, No. 2899.

L. R. Bucknidge,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, E. T., October 17, 1933.

In the matter of the application of Andrew L. Goston for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being born and examined by the Commission, testified as follows:

- Q What is your name? A Andrew L. Goston.
Q How old are you? A Thirty-three.
Q What is your postoffice? A Miami, Indian Territory.
Q Are you a white man? A Yes sir.
Q Are you claiming to be a Cherokee citizen by intermarriage? A Yes sir.
Q What is the name of the wife through whom you claim your citizenship? A Mary Williams.
Q Is your wife, Mary, living? A She is dead.
Q Was she a Cherokee by blood? A No sir.
Q What was she? A She was a Irish.
Q An adopted Shavnee? A Yes sir.
Q How long had she been living in the Cherokee Nation when you married her? A She was raised here, since '68 I think.
Q Did she live here until her death? A Yes sir.
Q How long did she live in the Cherokee Nation from that time until her death? A Yes sir.
Q How was your wife killed? A December 4, 1895.
Q Was your wife killed under a Cherokee marriage license? A Yes sir.
Q Was she your first wife? A Yes sir.
Q Were you her first husband? A Yes sir.
Q Besides your wife, with whom else had you been married before her death? A No sir.
Q How long did your wife live? A She died in '95.
Q Did you live with her continuously from the time of your marriage up until her death in 1895? A Yes sir.
Q Were you never separated during all that time were you? A No sir.
Q Have you married since her death? A No sir.
Q Still a widower are you? A Yes sir.
Q Have you been living your home in the Cherokee Nation ever since 1895? A I am a practicing farmer and my place has been in sight across the river in Miami. I have my farm across the river.
Q How is your farm? A Independent business.
Q How big is it? A Yes sir.
Q How long have you been living over in Miami? A Since 1895 or thereabouts.
Q Can't you say just what it was? A I think it was in '95.
Q Is Miami the nearest town to you? A Yes sir.
Q And just moved across the river to be in town for convenience? A Yes sir.
Q How far is it in the Cherokee Nation? A Yes sir.
Q Did you ever go to the Commission? A Yes sir.
A. L. GOSTON: Where did you and your wife take up your residence after you were married? A We lived in Miami for about a year. We had our two rooms of the time, that was rented out place, we kept two rooms of the place, the furniture we had we didn't move over; we moved some stuff over and kept two rooms of the place; our furniture and stuff was left over.
Q How much of the time did you live on that farm that the two of you were married until your wife's death? A Well, we virtually didn't live there as a home.
Q As a matter of fact you never did live on the farm? A Yes sir, I lived on the farm.
Q That farm you speak of? A Not a great deal of the time.
Q How much of the year 1895 did you live on that farm? A I don't

3-Andrew L. Coofar.

live on the farm at all then.

Q Did you live in Miami that year? A Yes sir.

Q How about '96? A The question was asked when I opened up the office, I was living in Miami.

Q And you lived in Miami continuously from the time of your marriage up until the present time? A Yes sir, I lived there. I have had all of my household effects right across the river; I am over there for convenience of my profession. I practice on both sides of the river; do as much practice on this side of the river as I do there.

Q You never lived on your farm from the time you were married up to the present? A No sir.

Q Your residence has been in Miami? A Yes sir.

Q Were you living in Miami in the year 1908? A Part of the time I was in the Cherokee Nation, about three months; it was between '97 and '98.

Q Where is Miami? A Right across the river.

Q Across the river from your farm? A Yes sir.

Q In what nation is it? A Ottawa Nation.

Q Did your office have been in Miami ever since you were married? A No sir.

Q Why did you say you moved your office from the Cherokee Nation in '99? A I said I opened up an office in Miami in '99.

Q You volunteered the statement that you moved your office? A I beg your pardon, I then misunderstood it. You asked me when I opened up an office, that was the way I understood it.

Q Have you voted in the Cherokee Nation since 1898? A Yes sir.

Q How often have you voted there? A I voted every time except this I am sure and I wasn't there; I was busy I couldn't get there.

Q Did you ever vote in the municipal elections at Miami? A Yes sir.

Q How many? A Three or four little school elections.

Q How about the regular elections, did you vote at them, the city elections? A Yes sir.

Q Have you voted in those elections regularly since that town has been incorporated? A Yes sir.

Q How many times have you voted there at regular city elections? A I think I missed two or three times, possibly since.

Q Did you vote there the last time you voted? A I voted in the Cherokee Nation.

Q The last occasion you voted at all you voted in the Cherokee Nation did you? A I voted on school bond in Miami; that is the last time.

Q That is the last time you voted anywhere? A I think that is the last time.

Q Where did you consider your legal residence? A In the Cherokee Nation, because it is my home and I am there.

Q Did you vote on the school bond? A About three years ago, I don't know if I voted, but I think I did.

The undersigned, _____, a duly qualified stenographer to the court, to the first Civilized Trial, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of the testimony taken thereof.

B. G. Thompson

Subscribed and sworn to before me this 17th day of November, 1909.

B. G. Thompson
Notary Public.

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MARRIAGE LICENSE.

CHEROKEE NATION, Delaware

District.

To any Person Legally Authorized, Greeting;

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. A. M. Cooter,
a citizen of the United States, and Miss Mamie Williams,
a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 4
day of December 1895.

J. R. Hastings

Clerk Delaware District

I, J. R. Hastings a Clerk of Delaware District do hereby certify that on the 4th day of December 1895, I joined in marriage Mr. Dr A. M. Cooter a citizen of the United States, and Miss Mamie Williams a citizen of the Cherokee Nation, agreeable to the authority given in the within license and the custom and laws of the Cherokee Nation.

Given under my hand and seal of office 4 day
S E A L of December A D. 1895.

J. R. Hastings,
Clerk Del. Dist.C.N.

Recorded on this the 4 day of December 1895.

J. R. Hastings.Clerk Del. Dist.
C.N.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

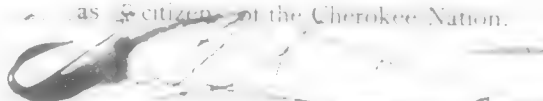
Muskogee, I. T. February 4,

1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of

Andrew M. Cooter,

as a citizen of the Cherokee Nation.



Commissioner.

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Cherokee D-17.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of
Andrew M. Cooter as a citizen by intermarriage of the Cherokee Nation.

|| || || || || || || || ||

DECISION.

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The record in this case shows that on July 12, 1900, Andrew M. Cooter appeared before the Commission at Fairland, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 11, 1901, on February 15, 1902, and on October 17, 1902.

The evidence shows that Andrew M. Cooter was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on December 4, 1895, to one Mary Williams, a citizen of the Cherokee Nation of Shawnee blood, and who is identified on the Cherokee Authenticated Roll of 1880. It further appears that the said Mary Williams died in 1897. Her husband, the applicant herein, had not remarried from the time of her death, up to and including September 1, 1902. Said Andrew M. Cooter is identified on the Cherokee Census Roll of 1896.

The evidence further shows that Andrew M. Cooter has resided in the Quapaw Reservation, in the Indian Territory, from the time of his marriage up to and including the date of this application.

Section twenty-one of the Act of Congress approved June 26, 1898, (30 Stats., 495) provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

It is, therefore, the opinion of this Commission that Andrew M. Cooter should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 26, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Filed at Muskogee, Indian Territory,

this _____

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Andrew M. Cooter for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on July 12, 1900, Andrew M. Cooter appeared before the Commission at Fairland, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 11, 1901, and February 15, 1902.

The evidence shows that on December 4, 1895, the said Andrew M. Cooter, a white man, was lawfully married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, to Mary Williams, a native Cherokee, and that they lived together as husband and wife until her death.

It appears from an examination of the 1880 authenticated Cherokee roll in possession of the Commission, that said Mary Williams is identified on such roll as a native Cherokee. The evidence further shows that the applicant is identified on the 1896 Cherokee census roll as an adopted white. It further appears that the applicant has resided in the Quapaw Reservation in the Indian Territory from the date of his marriage up to and including the date of the application herein.

Section 21 of the act of Congress, approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws".

It is therefore the opinion of this Commission that Andrew M. Cooter should be enrolled as a citizen by intermarriage of the Cherokee Nation, under the provisions of Section 21 of the act of Congress above mentioned, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this _____

MARRIAGE LICENSE. Chero. D-17.

CHEROKEE NATION, Delaware District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. **A. M. Cooter** a citizen of the United States, and **Miss Mamie Williams** a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the **4** day of **December** **1895**.

J. R. Hastings

(SEAL)

Clerk Delaware District

I **J. R. Hastings** a clerk of Delaware Dist. hereby certify that on the **4** day of **December** **1895** I joined in marriage Mr. **Dr. A. M. Cooter** a citizen of the United States and **Miss Mamie Williams** a citizen of the Cherokee Nation agreeable to the authority given in the within License and the custom and laws of Cherokee Nation.

Given under my hand and seal of Office **4** day of **December** **A.D. 1895.**

J. R. Hastings

Clerk De. Dist. C.N.

Recorded on this the **4** day of **December** **1895**

J. R. Hastings

Clerk Del Dist.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T.

100

~~stenographer to the Commission to the Five Civilized Tribes~~
I, the undersigned, do hereby certify that the above and foregoing as a true and correct copy of the original offered in evidence in the matter of the application for enrollment of **Andrew M. Cooter** as a citizen of the Cherokee Nation.



COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS M. NEEDLES,
C. H. BRACKINRIDGE.

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MISSOURI, THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **January 30,**

1902

Mr. Andrew M. Cooter,

Miami, Indian Territory

Sir:

You are hereby notified that the application of **yourself**

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

15th day of **February,** 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Registrar
Cherokee D-17

Acting Chairman.

Cherokee No. D.17

Maskegee, Indian Territory, January 10, 1907.

Andrew M. Cooter,
Miami, Indian Territory

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largent	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Meggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammuel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Bengé	1276	Lizzie Bengé	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Bengé	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polocat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pilcock	1517	John A. Madden	2261
Stas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dona A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayette D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Lattle	3377
Sarah L. Martin	2502	John M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldrige	2511	William N. Blakenore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard P. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broadus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCanish	3713
Etta M. Hill	2915	Sarah Dirthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donathan A. Wilson	3841
Eliza O'Field	2977	Charles E. Covey	3868
Margaret Sugee	2993	Tamsey M. Williams	3886
Winfield S. Namee	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lombard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3194	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225	Roxie J. Ketchum	4623
Sydney E. Bell	4232	Lizzie Love	4626
Isaac H. Jordan	4235	Robert K. Wann	4632
Charles Parks	4241	Frederick Metzner	4633
Dora Frenchman	4262	John C. Bratcher	4634
James R. Fugate	4275	Peptow L. Jones	4641
Maud Adams	4277	Ada Berthoff	4642
Elizabeth Black	4281	Alice Robbins	4644
Anna Thornton	4291	Jane Dougherty	4649
Robert T. Morrison	4294	Samuel Francis	4650
Perley Israel	4295	Clemon C. Peck	4652
William A. Long	4304	Mont C. Frazier	4653
Mollie Swannock	4319	Frank J. Mayberry	4656
Frances Guess	4324	Charles W. Moore	4660
Allen H. Gibson	4327	Jefferson D. Edmondson	4661
John McFall Jr.	4343	Alonzo H. Boone	4662
Albert W. Fitzsimmons	4360	Thomas C. Mock	4668
George S. Ford	4386	Sallie Allison	4669
Quinn Carr	4387	Elizabeth E. Burgess	4671
William A. Powell	4390	LaFayette Breeden	4673
Austin Hasley	4400	James M. Boling	4676
Anna Bible	4414	Francis A. Neilson	4681
Elizabeth Riley	4428	John F. Smith	4689
John P. Sudderth	4449	Rufus S. Steward	4691
Anderson Keen	4450	John I. Haddock	4694
Ida M. Adams	4451	Maggie O. Walkley	4695
Martha J. Randall	4457	George W. Talbert	4698
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4760
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4801
John W. McDaniel	4544	Ruby R. Bean	4804
Minnie Armstrong	4548	William J. Dodson	4836
Ada Chouteau	4549	Blackburn Reed	4882
Mary Thompson	4571	Viola Lowther	4891
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4950
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rathgounard	4991
Annie E. Coker	4605	Ida McCoy	5093
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Watford	5101
Laura E. Smith	4608	Nancy Moore	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	Max Humphreys	5207
William Steere	4619	Dorothy Rogers	5235

Nora B. Burgess	5236	William A. Polson	5613
John E. Etter	5239	Paulina P. Pitcher	5614
Harriette Rogers	5240	Charley Headrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberry	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherland	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
Eda Taylor	5493	Nellie Bluejacket	5677
Laura Taylor	5494	Lucy Bacon	5679
Electer D. Miller	5496	Thomas B. Wood	5681
Emerson M. Arnold	5498	Asa W. Simerson	5683
Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
Anthony K. Douglas	5538	Maud Crutchfield	5730
Joseph H. Johnson	5541	Joseph S. Layne	5731
Harvey O. Riggs	5547	Lena Bell	5737
Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
Rosa M. Sixkiller	5581	Harden H. Green	5776
Nancy Inlow	5587	Emma J. Ward	5778
Daisey H. Owen	5599	Robert C. Fuller	5781
Annie R. C. Owen	5600	Henry F. Extine	5796
Jesse McKnight	5602	Ida Wyle	5802
Cicero J. Strange	5610	Richard L. Fite	5815
Henry Westerhaver	5611	Edward Lutz	5816
Emma H. Roach	5612	John F. Woodworth	5829

Horace H. Huddleston	5832	George C. Duffield	6031
William R. Sartain	5837	Anelia Reese	6033
Joseph A. Lawrence	5843	Alexander West	6036
William H. Hinton	5846	John Tootle	6037
Joseph Lehr	5851	Florence G. Langley	6038
Edin M. Young	5852	John T. Ham	6042
Mary C. Barnes	5853	Mary L. Jordan	6048
Matilda Thompson	5861	John W. Bradshaw	6076
William W. Young	5872	James L. Dean	6079
Earley F. Ellis	5874	Amanda J. Thompson	6082
Rosa B. Alberty	5877	Malissa Hubbard	6089
Sarah Cannon	5879	Jane Bengel	6111
Mamie Beck	5887	John D. Ryals	6113
Jack H. Merchant	5888	John C. DeLozier	6117
John D. Merchant	5889	Jessie Willis	6118
Sarah E. Ghorndey	5894	Mary A. Clark	6124
Jerry Young	5906	Mary J. Tipton	6126
James H. Brickey	5916	Leander Newton	6136
Mary Hicks	5919	William A. Qualls	6138
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6163
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5943	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6230
John A. Lowry	5962	Jane Bean	6232
John R. W. Brantley	5963	Lillie I. Taylor	6236
James T. Carroll	5964	Albie B. Adair	6239
Christopher F. Jordan	5965	Mack C. Watkins	6246
Minerva E. Stover	5966	Robert W. Murray	6261
John W. Twilley	5967	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Poorboy	6279
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6300
John M. Rusk	5976	Isaac A. Wilson	6308
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6325
Nancy Beamer	5988	Emmer Carlile	6338
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6353
John A. Moreland	6010	Leonard Lee	6357
Alice Welch	6015	James R. Miller	6362
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James J. Snider	6375	James L. Lee	6717
William H. Winget	6376	Rosa Phillips	6723
Ida R. Wilkerson	6383	Kate Brown	6735
George A. McBride	6385	Laura B. Barnett	6743
Matilda Cookson	6387	Elizabeth Sanders	6745
William A. Fisk	6392	William T. Neff	6747
William O. Ames	6394	William R. Scott	6751
Thomas Wilkerson	6396	Laura Fish	6770
Alice C. Springston	6407	Maggie Ketcher	6779
Fanny N. Witt	6413	Dora A. McDonald	6783
Lillie M. Adair	6424	Rosie B. Willis	6785
Mark F. Matheson	6428	Daniel Hubbard	6787
Ida L. Wilson	6431	Mary R. Tadpole	6801
George E. Marrs	6441	Magnus A. McSpadden	6811
Ulysses S. Reeves	6443	Sarah F. Pathkiller	6824
Daniel A. Smith	6447	Clara Twist	6845
Henry J. Dawson	6450	Mattie M. Welch	6846
Sarah Adair	6452	Cora Griffin	6850
Ida F. Wilson	6455	John S. Hyatt	6853
Mary E. Taylor	6459	Jefferson K. Tynes	6855
Catherine Henson	6468	Flora R. Miller	6859
Charles C. Fitzsimmons	6471	Lizzie Craig	6872
Mary E. Campbell	6476	Jacob C. Johnson	6876
Columbus N. Long	6478	George W. Ware	6897
Mary Wilkerson	6480	James B. Deatherage	6901
Myrtle Ward	6484	Lucinda F. Hartness	6943
Belle Manus	6499	Frances E. Tehee	6961
Martha E. McLain	6508	James M. Burt	6965
Mary A. Brown	6517	Rady Tipton	6975
Marion M. Ballew	6530	Laura Hendricks	6976
Mellie Mayfield	6540	Laura V. Smith	6979
Sarah Blevins	6541	Lorenzo C. Darnell	6988
Frank Powell	6542	Robert M. Mitchell	7004
Georgia Jackson	6546	William Henry Reeve	7005
Leonard S. Simpson	6549	James Pyle	7009
Almira Ussrey	6560	Willie Hilderbrand	7015
James McInerney	6561	Alice M. Roberson	7031
Fannie Carlile	6578	Charles Morris	7043
Sadie A. Mayfield	6580	Minerva J. Trent	7051
Silas A. Bryan	6581	John H. Keith	7078
William S. Martin	6585	Katie E. Ratley	7080
Emma J. Thompson	6589	Etta Patrick	7081
Lydia McDaniel	6593	Nannie Martin	7090
David W. Lamb	6595	Rosa B. Harris	7094
Gus R. Hart	6603	Samuel Brown	7100
Pena Phillips	6632	William H. Turner	7101
Lois E. Daniel	6678	Florence Mayes	7104
William W. Turner	6689	Maggie McCoy	7112
Lillie B. Blackstone	6714	Mary Belle Cordry	7113
Mary Lillard	6715	Benjamin Hauer	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Gity	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenant	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumption	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiasay Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Kneeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Martha Baldrige	9529
Charles D. England	7512	James R. Pondexter	9535
Max Cochran	7544	Maud Foreman	9539
Rebecca Oglesby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Maek H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Pheney Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Leola E. Herrin	9854	William T. Partin	10011
Gailen E. Carriek	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condra	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Cragg	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lawrence	10148
Wiley B. McElhanev	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Balldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Pardee	10205
Fred Mayv	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingslea	10209

Nannie Martin	10210	Joseph Reed	D 468
Sarah A. Fields	10214	Adolphus J. Hallum	D 483
Susie Henderson	10216	Alexander Walker	D 490
Charles H. Rienhardt	10218	Albert J. High	D 491
William H. Watkins	10221	America Matoy	D 501
Frank M. Rucker	10222	Moses L. Grazier	D 503
Henry C. Reed	10224	Myrtle Hall	D 509
Laura B. Timberlake	10226	Wallace Thursday	D 544
George A. Brown	10228	Thomas W. Baker	D 546
Drucilla Lowrey	10232	Mattie E. Keys	D 550
Almira Mouse	D 9	William S. Edwards	D 560
Lenora Prather	D 16	Susan L. Reed	D 572
Andrew M. Cooter	D 17	William H. Lyman	D 574
Martin L. Stokes	D 28	Gracia Davis	D 577
Peter Walters	D 44	Edward C. Bolen	D 582
Columbus M. Reeves	D 58	Dora Guthrie	D 585
Sarah Barnes	D 103	Samuel H. Hawkins	D 594
George T. Kiddy	D 108	Lula M. Purcell	D 600
Henry C. Agent	D 139	Ben Estes	D 603
Joseph Phipps	D 147	Thomas M. Reynolds	D 621
Henry Hilton	D 149	Arthur Dodge	D 622
David A. McGlamery	D 161	Carrie L. McNair	D 624
Maggie Doublehead	D 169	Constantine N. Walker	D 641
Annie Lovett	D 180	Joseph Davis	D 648
Nora Hood	D 184	Leander A. Keys	D 650
John A. Johnson	D 232	James J. Barndollar	D 655
Nathaniel G. Simpson	D 242	Nathan J. Brink	D 682
Oncico W. Head	D 244	William S. Miles	D 688
Etta Taylor	D 245	Emma Waybourn	D 698
Susan V. Sullivan	D 262	Dora E. Rogers	D 708
Levi H. Tackett	D 263	James W. Turley	D 709
William H. Connelley	D 264	Lizzie Ward	D 711
Julia A. Sullivan	D 284	Robert J. Holly	D 713
May Fields	D 297	Belle I. Quinton	D 728
Katie Hummingbird	D 308	Francis M. Boothe	D 734
William F. Sager	D 320	Amos W. Lord	D 746
Lovick P. Garrison	D 334	Agnes N. Childers	D 749
Henry Grubb	D 338	John E. Renfrow	D 752
Lucy F. Lacey	D 340	William Coon	D 759
Callie Blevins	D 341	Louis Bruere	D 779
James S. Alfrey	D 355	Georgia A. Waybourn	D 786
Shadrack C. Wallen	D 368	Eliza Fields	D 787
Ada Hall	D 376	William H. Brown	D 788
Jane M. Hicks	D 396	William A. Cox	D 793
Fannie L. Dupree	D 403	Charles A. Robison	D 799
Willis Battles, Jr.	D 404	Artha Williams	D 800
Joshua W. Ellis	D 413	Adam Gearhart	D 806
Nina B. Owen	D 450	Cecero F. Rogers	D 855
John M. Ridenour	D 458	Annie Garrett	D 856
Emery S. Thompson	D 464	George S. Yarbrough	D 875

Rhoda A. Sanders	D 878	Ella Vann	D 1320
Manuel Spencer	D 884	Lannie Wofford	D 1330
Benjamin H. Hulbert	D 891	Minnie Downing	D 1332
Mary Brassfield	D 935	Katie Rider	D 1334
James L. Tindle	D 944	Samuel G. Mill	D 1337
Silas G. Reneckar	D 966	Alfred H. Woods	D 1342
Eliza Wofford	D 967	Cynthia Whitekiller	D 1352
Jasper L. Newton	D 971	Susie McSpadden	D 1361
John N. Guinn	D 974	Martha J. Houston	D 1363
Hannah Parson	D 989	Samuel M. Collier	D 1367
Nellie C. Helterbrand	D 1003	Katy Payne	D 1369
Thomas J. Welch, Jr.	D 1006	Joseph H. Warren	D 1375
Lizzie Christian	D 1010	Mattie Miller	D 1433
George Hazlewood	D 1013	S. F. Moore	D 1434
James M. Jones	D 1022	Addie Schrimsher	D 1448
Reuben A. Evans	D 1032	Fannie Vann	D 1458
Carrie H. Cobb	D 1049	Marcella Blakeney	D 1474
John M. Burns	D 1069	G. W. Williamson	D 1555
Sarah E. Henson	D 1083	C. F. Walker	D 1558
Laura D. Henson	D 1086	Louisa Blevins	D 1567
Hettie E. Downing	D 1090	Frank Cowles	D 1581
Benjamin F. Crain	D 1099	Mary Francis Madding	D 1637
Benjamin Strickler	D 1129	Thomas Rodman	D 1661
Nancy Spaniard	D 1130	Katie Still	D 1866
Annie Wilson	D 1131	Ira Creach	D 1913
Ora H. Maxwell	D 1135	D. A. Mounts	D 1967
Reuben W. Moore	D 1136	J. C. Sefton	D 1991
Cora Childs	D 1146	Jennie Holland	D 2024
Janie Hughes	D 1179	Lou Sanders	D 2216
Francis B. Reid	D 1180	Caroline Barnes	D 2591
Martha Carey	D 1195	Lacey Crane	D 2592
Christina Johnson	D 1199	Daisy Cash	D 2595
Louvenia Ironside	D 1208	Hiram A. Landers	D 2599
Martha J. Henson	D 1218	Charles Noel	D 2603
David A. Martin	D 1228	Mattie Robinson	D 2605
Fred D. McEnery	D 1235	Jennie Rich	D 2606
Nathaniel R. Martin	D 1261	Alexander C. Russell	D 2607
James H. Requa	D 1266	Priscilla Ross	D 2608
Frank Carver	D 1267	Tom W. Reeves	D 2609
Etta B. Payne	D 1270	Mary Smart	D 2612
Mary Garrett	D 1271	Rufus Tidmore	D 2613
Joe W. Goodman	D 1272	Jasper Turquitt	D 2614
Mathew J. Flanigan	D 1274	Mabel West	D 2618
Lizzie C. Holland	D 1285	Ophelia West	D 2619
Etta Downing	D 1291	Cora Whisenant	D 2620
William Caywood	D 1296	Katy Martin	D 2667
Clarence W. Turner	D 1307	Willis Butler	D 2686
Alfred Chaney	D 1313	Clara Barber	D 2687
Euphemia Sweetwater	D 1314	Dicie Conner	D 2698
Etta Russell	D 1319	John Culwell	D 2699

Herbert F. Couch	D 2700	Samuel A. Parkhurst	D 2821
Albert C. Dykes	D 2703	Ellen Rogers	D 2822
Delora Drew	D 2704	Elijah Rolland	D 2827
Frank F. Danderson	D 2705	Endora Steele	D 2828
James Gafford	D 2708	William M. Stucker	D 2829
Anna L. Harlin	D 2715	Sallie Tauuneacie	D 2831
William R. Lipsey	D 2717	Mary Tassle	D 2832
Bertha Landrum	D 2718	John F. Wolf	D 2835
Lila More	D 2722	Ruth A. Ward	D 2840
John D. Mathews	D 2723	Winnie Daugherty	D 2884
Mary McIntosh	D 2725	Mary Guthrie	D 2885
Bertha Nidiffer	D 2730	Lydia Long	D 2886
Richard Nichols	D 2731	Edda Roberts	D 2887
William S. Ross	D 2738	Manda Ward	D 2889
Irene Riley	D 2739	Elmira J. Alberty	D 2905
William H. Rowley	D 2740	Thomas C. Cordray	D 2906
Colombus C. Scroggins	D 2741	Edward Fowler	D 2907
Della Summers	D 2743	Dora Foreman	D 2908
William S. Sage	D 2744	Parker Holt	D 2909
Eliza Thomas	D 2748	John Haston	D 2910
John P. Thurman	D 2749	Georgie Harlin	D 2911
Mary E. Davis	D 2770	Percillia Johnson	D 2913
Jessie Frick	D 2771	Bettie Morton	D 2915
Ema Bullington	D 2788	Samantha Spade	D 2917
Will Black	D 2789	Mariah Ward	D 2918
Maggie E. Davis	D 2792	Ellen Watt	D 2919
Thomas Dotts	D 2793	Nora Morten	D 2920
William Daws	D 2794	Lizzie Anderson	D 2981
Nancy Dawson	D 2796	Francis Duval	D 2984
Lena Fields	D 2797	Wade S. Hayes	D 2987
Effie Grayham	D 2798	James A. Hankins	D 2988
Alice C. Hill	D 2799	Joseph Hardee	D 2991
Bertha H. Harlin	D 2800	Tennie Horn	D 2992
Margrett C. Hudson	D 2801	Eveline Hall	D 2993
Joseph A. Kelley	D 2803	John E. Leftwich	D 2995
Andrew O. Kepler	D 2804	Mattie Henson	D 2994
Josephine King	D 2805	John D. Colvard	D 2998
Sarah Jane Birdsong	D 2806	Charles W. Phillips	D 2999
Marion Maddox	D 2807	Sarah Shanks	D 3000
John A. McKenzie	D 2808	Nettie Young	D 3009
Ione McGee	D 2809	Jerry P. Ables	D 3048
Ollie Miller	D 2810	Almedie Ross	D 3052
William A. Martin	D 2811	John S. J. Fowler	D 3055
Jesse P. Morrow	D 2812	Leaner Hood	D 3056
Oliver Mason	D 2813	James D. Jackson	D 3057
Edna Whitehead	D 2814	Emma G. Nelson	D 3058
Charley Nuckolls	D 2815	Alice Simeo	D 3059
Etta M. Nidiffer	D 2817	George O. Wallace	D 3060
Louizer Ossowee	D 2818	Fannie Clay	D 3078
William H. Patterson	D 2820	Ellen Drew	D 3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Paek	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Bengé	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosema McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Cherokee

17

Muskegee, Indian Territory, March, 13, 1907.

Andrew M. Cooter,

Miami, Indian Territory.

Dear Sir:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfull,

Commissioner.

Encl. C-100
LWC

Cher R 1021

Trans from Cher D 18

Cher R 1021

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FAIRLAND, I. T., JULY 12th, 1900.

IN THE MATTER OF THE APPLICATION OF Napoleon B. Blythe et al, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Napoleon B. Blythe.
Q What is your age? A Forty-eight years old.
Q What is your Postoffice address? A Afton.
Q Where do you live? A Delaware District.
Q How long have you lived there? A Six years.
Q Where did you live prior to that time? A In Missouri a while prior to that time, and before that time I lived in Cooweescoowee District.
Q Where were you born? A In the Cherokee Nation.
Q And how long did you live there before you moved to Missouri? A I was in Cooweescoowee District eight years; first lived in Tahlequah District, then moved to Cooweescoowee, and was there about eight years and left here in the Spring of 1882, and I was in Missouri until the Spring of 1892., I came back to the Cherokee Nation then.
Q In 1892? A Yes sir.
Q Have you been living in the Cherokee Nation since 1892? A Yes sir.
Q Are you a Cherokee? A Yes sir.
Q You make application as a citizen by blood? A Yes sir.
Q Is your name on the Roll of 1880? A Yes sir.
Roll of 1880 examined, and on Page 75 thereof, #403, Cooweescoowee District, appears the name of N. B. Blythe.
Q What District do you reside in now? A Delaware.
Q Does your name appear on the Roll of 1896? A Yes sir.
Roll of 1896 examined, and on Page 440 thereof, #294, appears the name of Napoleon B. Blythe.
Q What proportion of Cherokee blood do you claim? A About one eighth.
Q Are you married? A Yes sir.
Q Under what law did you marry? A Cherokee.
Q Is your wife a non citizen? A Yes sir.
Q Have you a marriage license and certificate with you? A No sir.
Q Is your wife living? A Yes sir.
Q Where were you living at the time of your marriage? A In Missouri.
Q Has your wife ever been enrolled on any of the authenticated rolls of the Cherokee Nation? A Yes sir, on the Roll of 1896.
Q What is her name? A Luella Blythe.
Roll of 1896 examined, and on Page 565, thereof, #25, Delaware District, appears the name of applicant's wife, as Lueller Blythe.
Q When were you married? A I was married twice; first time in 1880.
Q When did you marry your present wife? A In 1887.
Q You have no certificate of marriage? A No sir, I have two witnesses here that witnessed the marriage.
Q You never had any certificate? A No sir, never got any certificate; the clerk was busy and said you can get a certificate at any time.
Q You had a marriage license? A Yes sir.
Q When? A In 1887.
Q Did they require a marriage license in Missouri in 1887? A Yes sir.
Q What did you pay for it? A \$2.50.
Q Do you want to introduce testimony as to your marriage? A Yes sir.

Elizabeth H. Hard, being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A Elizabeth Hard.
Q How old are you? A Sixty-six coming October.
Q Where do you reside? A In the Nation.
Q How long have you lived in the Nation? A Four years in December.
Q Are you a citizen of the Nation? A No sir.
Q In what part of the Nation do you live? A Horse Creek, four miles south of Afton.
Q Where did you come from? A Missouri.
Q Do you know Napoleon B. Blythe? A Yes sir.
Q How long have you known him? A For about thirty years.
Q Do you know his wife? A Yes sir.
Q What is her name? A Luella Blythe.
Q Do you know whether they were married? A Yes sir, I saw their marriage.
Q Whom were they married by? A Clerk of the Court in Versailles, Missouri.
Q How did you happen to be there? A Went right there with them.
Q Kind of a wedding party? A Yes sir.
Q Do you know whether they have been living together as man and wife from that time to this? A Yes sir.
Q You have known them intimately? A Yes sir.
Q They have lived together as man and wife and have been so recognized? A Yes sir.

John H. Sorter, being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A John H. Horton.
Q What is your age? A Forty four.
Q Where do you reside? A Horse Creek, four miles south of Afton.
Q Are you a citizen? A No sir.
Q Non citizen? A Yes sir.
Q How long have you lived there? A Four years.
Q Where do you come from? A Missouri.
Q Do you know the applicant, N. B. Blythe? A Yes sir.
Q Do you know Luella Blythe? A Yes sir.
Q Is she the wife of N. B. Blythe? A Yes sir.
Q Have you known them ever since their marriage? A Yes sir.
Q Have they been living together as man and wife? A Yes sir.
Q And have been so recognized? A Yes sir.

Mr. Blythe recalled:

By MR. Hutchins:

- Q ~~Were~~ You were living in Missouri in 1884, were you not? A Yes sir.
Q Whom did you vote for for president, Cleveland or Baline?
A Blaine.
Q You did vote in some of the elections there? A Yes sir.
Q And resided there nearly seven years, did you not?
A Yes sir.
Q Did your voting in Missouri and married there, did you not?
A Yes sir.
Q And left there in 1882? A Yes sir.
Q And did not return until 1889? A 1892, Spring of 1892.
Q You were away nine years? A Yes sir.
Q And you voted up there; acted as a citizen of Missouri for seven or eight years? A Yes sir, I voted in one or two elections there.
By the Commission:
Q Had you a residence established in the Territory in 1898, or did you move here after 1898? A I moved here in 1892.
Q You have been here ever since 1892? A Yes sir.

Q Have you any children under twenty one years of age living at home? A Yes sir.
Q Please give their names? A My oldest one is William Henry Blythe, 16 years old.
Q Is he on the 1896 Roll? A Yes sir.
(1896 Roll examined, and on Page 295, #440)
Q Next one? A John Ellis Blythe.
Q How old? A Twelve years.
(1896 Roll examined, and on Page 440 thereof, #296, Delaware District, appears the name of John Ellis Blythe.)
Q Where was John Ellis Blythe born? A In Missouri.
Q Where was William H. Blythe born? A In the State of Missouri.
Q Next one? A Mary Jane Blythe?
Q How old? A Eleven years old the 9th day of August.
Q Where was she born? A In Missouri.
(Roll of 1896 examined, and on Page 440 thereof, #297, Delaware District, appears the name of Mary Jane Blythe)
Q Next one? A Farry Alpha Blythe. (Roll of 1896 examined, and on Page 440, #298, Delaware District, appears the name of Farry Alpha Blythe.)
Q Where was she born? A In Missouri.
Q Next one? A Aubrey Allen Blythe.
Q How old? A Seven years old, fourth of February.
Q Where was he born? A In Missouri.
(Roll of 1896 examined, and on Page 440 thereof, #299, appears the name of Aubrey Allen Blythe - as Orberry Allen Blythe)
Q Next one? A Ermer Lolla Blythe.
Q How old is she? A Four years old.
(Roll of 1896 examined, and on Page 440, #300, Delaware District, appears the name of Ermer Lolla Blythe - on the roll as Lolla Blythe.)
Q Where was she born? A In the Cherokee Nation.
Q What is the next one? A Jesse Louie.
Q How old? A 1 year old, the fourth of last March.
Q Where was he born? A In the Cherokee Nation.
Q What year did you move to Missouri in? A In the Fall of 1882, I think, if I am not mistaken.
Q Your wife is a white woman? A Yes sir.
Q When did you come back to the Territory?
A I came back in the Spring of 1892 I think it was.

Mr. Blythe, it appears from the records now in the possession of this Commission that you are enrolled on the authenticated rolls of the Cherokee Nation for the year 1880, which is conclusive proof of your citizenship up to the time of 1882; it also appears that in 1882 you removed from the Cherokee Nation to Missouri and there established a residence and became a regular citizen of the State of Missouri, and remained there until 1892; in 1892 you returned to the Cherokee Nation, and after that you were admitted as a citizen by the Council, but present no proof to that effect; and it appears from your testimony that you married your wife, Luella Blythe, in the State of Missouri, while you were an actual resident of that State, and it appears that all your children mentioned above, except two, were born in Missouri after the year 1882; and that your two last named children were born in the Cherokee Nation after you aver to have been readmitted as a citizen of the Cherokee Nation by the Cherokee Council. The citizenship of yourself and your wife and your two younger children depends upon the fact as to whether you were actually readmitted or not. Your name, the name of your wife and the names of your children are, as cited in the evidence given by you, identified on the rolls of 1896, according to the page and number in the evidence, will be placed upon what is known as a doubtful or white card; and you will be permitted to file any other any other testimony, document, affidavits of proofs as to your citizenship, with the Commission., and upon the filing of the same, your case will be taken into consideration by the Commission, and you advised by mail of its decision as to the citizenship of yourself, wife, and children.

R. R. Cravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

(SIGNED) R. R. Cravens.

Sworn to and subscribed before me this 12 day of July, 1900.

(SIGNED) T. R. Needles,
Commissioner.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 23, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Subscribed and sworn to before Florine B. Hatch this 23rd day of April, 1903.

Edward McIlwain
Notary Public

"R"

Cherokee D 18.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application
of Napoleon B. Blythe, et al., for enrollment as Cherokee citizens.

Appearances:

Mr. H. A. Gibson, Muskogee, I. T., Attorney for Appl'ts.
W. W. Hastings, for the Cherokee Nation.

BY COMMISSION:

Attorney for the applicant will be given
ten days in which to file brief in this case, a copy with the
Commission and a copy with the Representatives of the Chero-
kee Nation.

The Representatives of the Cherokee Nation will be
given due time in which to file brief in reply.

BY MR. GIBSON: I don't desire to introduce any more proof;
I think ~~xxxxxx~~ everything that is necessary is here.

BY COMMISSION:

Case closed so far as testimony is con-
cerned, by agreement of the attorney for the applicant and
attorney for the Cherokee Nation.

.....

M. D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

(SIGNED) M. D. Green.

Subscribed and sworn to before me this February 18, 1902.

(SIGNED) T. B. Needles.
Commissioner.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 23, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states
that as stenographer to the Commission to the Five Civilized Tribes,
she made the foregoing transcript, and that the same is a true
and complete copy of the original now on file with said Commission.

Florine B. Hatch

Subscribed and sworn to before me this 23rd day of April, 1903.

Notary Public.

Cherokee D 18
July 12, 1900.
Afton, I. T.

Mr. Needles of the Dawes Commission,

Kind sir Please to condicend to listen to my statement I am one Napoleon B. Blythe who was at your office on the 11 of July 1900, when my two children was admitted, and I and my other children was rejected I could say nothing. Because I was out of my country so long. I did not make any statements how I come to be out of my country I had an enemy in sight and I dair not make the statement before him and be safe But here is my statement as to how I was out of my country in the year of 1882 I was a policeman for the U.S. Government under U. S. indian agent Tuffs I killed a man who was drunk and disturbing the town of Muskogee.

I submitted myself to the officers of law for a tryal there come a mob one evening under pretence of the Creek Law to transfer me from one district to another District. Those men who had me in custody kept me until morning in which time I was notyfed by some business men that this was only a mob come to get me off from the protection of those who I was under I was advised to skip until further investigation. My life was expected to be ended that day without law or Justice I did skip and waited for my leader Tuffs to inform me when to return to my country. The Agent sent me word to stay where I was because those parties might steal my life. I did stay unwillingly. At last I come to the conclusion I would risk my life for the sake of my childrens rights as actual citizens; I was a poor man in such circumstances as I could not do justice to my children unless I did risk my life so I did come to my country I hadent been here quite two months when my enemys run me from my country I left stayed one of two months and I come to my country again, and here I am yet. Now I am a rejected man and over half of my children. If a man serves Uncle Sam in behalf of the law and to save lives and trouble stays out of his country is it justice to keep my children out of there land They cant help what I done I didnt stay out of my country because I wanted to I was compelled to. The President sent a man here to investigate my case after I left. You can find my statements to be true by writing to Washington where such business is tended to I can produce 500 good reliable men as witnesses if needed that my statement is true. I knew I had been out of my country to our law, I come back and applied for readmittance. My lawyer informed me I was on the Readmittant role, I paid him for his service and thought I still was abiding by the law, and you inform me I am not re-admitted. You also told me I was on the doubtful list and told me if I had anything to put before the Courts I could. I am a man who wants to live in peace and dont want to have no trouble with my enemy by bringing up anything in the past which might cause me to be included in any court business but I risked my life once for my little children and I can again.

Now I ask the question of your commission how must I commence and proceed to get my actual rights as a citizen. Please to remember I didnt leave my country for pleasure or money it was because I got in trouble under Uncle Sams instructions. Please answer so I will know what to do.

Napoleon B. Blythe.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T., August 12, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of a letter on file in the office of this Commission.

(SIGNED) Tams Bixby.
Commissioner.

Please keep this from the Public as you dont know who
my enemys are

Napoleon B. Blythe.

.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., August 18, 1902.

I, the undersigned, do hereby certify that the above and foregoing
is a true and correct copy of a note on file in the office of this
Commission.

(SIGNED) Tams Bixby.
Commissioner.

P:.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 23, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states
that as stenographer to the Commission to the Five Civilized Tribes,
she made the foregoing transcripts and that same are true and com-
plete copies of the original now on file with this Commission.

Florine B. Hatch

Subscribed and-sworn to before me this 23rd day of April, 1903.

Edmond H. Lewis
Notary Public.

Cherokee D 18

Afton, Ind. Tery.

July 16, 1900.

Hon. E. A. Hitchcock,
Washington, D. C.

Dear Sir:

On July 12th I appeared before the Dawes Commission for final enrollment, myself and family except my two minor children were rejected by said Commission. I have been advised by the Chairman of Said Commission to submit my case to you in the form of an affidavit which I herewith enclose you. I am 1/8 Cherokee was born and raised in the Cherokee Nation and lived here all my life except when I had to leave to save my own life. I pray you to give my case a thorough investigation, and after doing so I feel confident that you will have myself and the balance of my family properly enroled.

Hoping to hear from you soon, I am

Respectfully,

N. B. Blythe.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., April 23, 1903.

I, the undersigned, do hereby certify, that the above and foregoing is a true and correct copy of a letter on file in the office of this Commission.

(SIGNED) Tams Bixby.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 23, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch
Subscribed and sworn to before me this the 23rd day of April, 1903.

Charles H. Smith
Notary Public.

UNITED STATES OF AMERICA) SS
 INDIAN TERRITORY)
 NORTHERN DISTRICT)

On this the 16th day of July 1900, personally appeared before me Frank L. Sharp a Notary Public within and for the above named district and Territory, N. B. Blythe, and makes oath that he is a citizen of the Cherokee Nation and a resident of the Northern district, Ind Tery, That during the year of 1882 he was employed by Tuffs, who was at that time United States Indian Agent for the Five Civilized Tribes, as a United States Police, for said Ind Tery, and that during said services as Police in the discharge of his duties he was compelled to kill a man who was drunk, in self defense and to save his own life. That after killing said man he went before the U. S. Agent and gave himself up, the Agent told me that I had done nothing but my duty and what the law required me to do in the discharge of my duty. After this killing there was a mob of the parties friends formed for the purpose of merdering me, and I was advised to leave the Indian Territory for the protection of my life which I did. The U. S. Indian Agent (Mr. Tuffs) told me if I remained in this country that I would be killed and he advised me to leave. I left my native country and was gone for ten years, during that time I corresponded with the U. S. Agent, and he advised me not to return to the Ind Tery. After my return in 1893 I employed L. B. Bell as my attorney to get me reinstated before the National Council which convened in November 1893, as a citizen of the Cherokee Nation. After the Council convened I received a letter from L. B. Bell my Atty, stating that I had been reinstated by the National Council. I was also informed by Tom Ballard who was at that time a member of the National Council, that I had been reinstated, in the year 1894. I drew my strip money as other citizens of the Cherokee Nation did, and have since that time until July 12, 1900 exercised and enjoyed all of the privileges of a citizen of the Cherokee Nation, on July 12, I appeared before the Dawes Commission for final enrolment, when myself and all of my family except my two minor children ages respectfully, four (4) and one (1) years old, were by said Commission rejected.

Affiant further states that he is able to produce testimony to substantiate this affidavit from parties who are familiar with the circumstances in his case. He also states that he did not leave his native country of his own free will and accord, but was compelled to leave to save his own life. Affiant states further that he is a poor man and has a large family consisting of a wife and seven children, and if he is deprived of his rights as a Cherokee citizen that it will work a great hardship on him and his family and leave them in almost destitute circumstances, besides robbing them of their just inheritance.

N. B. Blythe

Subscribed and sworn to before me this the 16th day of July 1900.

Frank L. Sharp (S E A L)

Notary Public.

My Com Ex 6/16 1903.

Department of the Interior,
 Commission to the Five Civilized Tribes,
 Muskogee, I. T. August 19/1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the affidavit on file in the office of this Commission.

(SIGNED) Tams Bixby.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 23, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with this Commission.

Florine B. Hatch

Subscribed and sworn to before me this the 23rd day of April, 1903.

Edward M. Miller
Notary Public.

R.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, October 1st, 1902.

In the matter of the application of Napoleon B. Blythe for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife, Suella Blythe, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, William H., John E., Mary J., Farry A., Aubrey A., Ermer L., Jesse L. and Charles F. Blythe, as citizens by blood of the Cherokee Nation.

Supplemental to D-18.

Appearances:

Benjamin C. England for Applicant.
J. C. Starr for Cherokee Nation.

BENJAMIN C. ENGLAND, being duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Benjamin C. England.
Q. What is your post office? A. Afton.
Q. And your age? A. 54.
Q. Are you acquainted with Napoleon B. Blythe who is an applicant before the Commission for enrollment as a citizen by blood?
A. Yes, sir.
Q. Are you acquainted with his wife, who is an applicant before the Commission for enrollment as an intermarried citizen?
A. Yes, sir.
Q. How long have you known Suella Blythe? A. I have known her ever since '93 about '93.
Q. Do you know when she and Napoleon were married?
A. No, sir; I don't know.
Q. They were living together when you first knew them in 1893?
A. Yes, sir.
Q. Have they lived together all the time since 1893? A. Yes, sir.
Q. Living together on September 1st, 1902? A. Yes, sir.
Q. Never separated during that time? A. No, sir.
Q. Have they lived in the Cherokee Nation since 1893? A. Yes, sir.
Q. Never lived out since that time? A. No, sir.

.....

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) Jesse O. Carr.
Subscribed and sworn to before me this 22nd day of October, 1902.

(SEAL)

(SIGNED) B. C. Jones,
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 23, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript and that the same is a true and complete copy of the original now on file with this Commission.

Florine B. Hatch

Subscribed and sworn to before me this 23rd day of April, 1903.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, October 14th, 1902.

In the matter of the application of Napoleon B. Blythe for the enrollment of himself as a citizen by blood of the Cherokee Nation; for the enrollment of his wife, Luella Blythe, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his children, William H., John E., Mary J., Farry A., Aubrey A., Ermer L., Jesse L. and Charles F. Blythe, as citizens by blood of the Cherokee Nation.

Supplemental to D-18

Cherokee Nation appears by J. C. Starr.

NAPOLÉON B. BLYTHE, BEING duly sworn, testified as follows:
Examination by the Commission.

- Q. What is your name? A. Napoleon B. Blythe.
Q. How old are you, Mr. Blythe? A. 50 years old.
Q. What is your post office? A. Afton.
Q. You are a Cherokee by blood, are you? A. Yes, sir.
Q. What is your wife's name? A. Luella.
Q. She is a white woman? A. Yes, sir.
Q. When were you married to her? A. Married January 10th, 1887.
Q. Is she your first wife? A. No, sir.
Q. You had been married before, had you? A. Yes, sir.
Q. Once or twice? A. Once.
Q. What was your first wife's name? A. Mary Ann.
Q. What was her maiden name? A. Sorter.
Q. Was she dead before you married Luella? A. Yes, sir.
Q. Had your present wife ever been married before? A. No, sir.
Q. You are her first husband? A. Yes, sir.
Q. How long have you been living in the Cherokee Nation?
A. Been living here ever since 1894.
Q. Between 1880 and 1894 where were you? A. In Missouri.
Q. You made that your home didn't you? A. Well, I was living there.
Q. You married your wife up there? A. Married my wife.
Q. Voted up there? A. Voted up there.
Q. Came back to the Nation in 1894? A. '94.
Q. You weren't readmitted to citizenship? A. I don't know.
I made application for reinstatement, to the Cherokee National Council.
Q. Do you know what action the Council took? A. Only what one of the Council told me. Mr. Ballard told me they took the case up and it passed through the committee and they laid it aside and never took it up.
Q. How many children have you? A. Eight.
Q. All living? A. Yes, sir; all living.
Q. Your wife is living? A. Yes, sir.
Q. You and your wife have lived together ever since you married her? A. Yes, sir.
Q. And were living together on the first day of last September?
A. Yes, sir.
Examination by Mr. Starr.
Q. Did you live with your first wife until she died? A. Yes, sir.
Q. Where did she die? A. In Missouri.

- Q. What was your post office? A. I didn't get mail at any regular place; sometimes Tipton, sometimes Todd, sometimes Akinsville.
- Q. What county? A. Morgan part of the time and part of the time Moniteau.
- Q. How long had your first wife been dead when you married your second wife? A. She had been dead about 6 months; probably a little longer.
- Q. Where did you marry your second wife? A. We were married in Cooper county; the county seat of Cooper county.
- Q. You have only been married twice? A. That is all.
- Q. Was your present wife ever married before? A. No, sir.
- Q. Where was William H. Blythe born? A. I couldn't tell you that.
- Q. That is your oldest son? A. Oh, yes. He was born in Missouri.
- Q. Mary J. A. Missouri.
- Q. Farry A. A. Missouri.
- Q. How about Aubrey A.? A. He was born in Missouri.
- Q. Ermer L.? A. She was born here.
- Q. Jesse L.? A. He was born here.
- Q. Charles F.? A. He was born here.

|||||

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) Jesse O. Carr.

Subscribed and sworn to before me this 12th day of December, 1902.

(SIGNED) P. G. Reuter.
Notary Public.

(SEAL)

|||||

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 23, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript and that same is a true and complete copy of the original now on file with this Commission.

Florine B. Hatch

Subscribed and sworn to before me this 23rd day of April, 1903.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Napoleon B. Blythe,
for enrollment as a citizen of the Cherokee Nation.

Brief of Applicant.

The proof in this case shows that the applicant is a Cherokee Indian by blood and that his name appears on the Roll of 1880, on the Strip Pay Roll of 1894, and on the Roll of 1896, and that the only objection urged against the enrollment of the applicant is because he left the Cherokee Nation about the year 1882 and did not return to live in said Nation until 1888.

The attorneys for the Cherokee Nation base their objection to his enrollment upon the provision of the Constitution of the Cherokee Nation that "whenever any citizen shall remove with his effects out of the limits of this Nation, and shall become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease."

This Constitution was adopted on the 6th., day of September 1839.

We respectfully submit that under the laws of the United States this provision of the Cherokee Constitution has been modified and abrogated to such an extent that it no longer bars the applicant from being enrolled, even if it ever did.

There is no proof that the applicant ever became a citizen of any other government, and hence even if he did remove with his effects from out the Cherokee Nation, the fact that he did not become a citizen of any other government will still prevent his being stricken from the Rolls of the Nation.

We respectfully refer the Commission to the opinion of Honorable William A. Little, Assistant Attorney General of the United States, rendered on September 10, 1896, and which was at

said time approved by The Honorable David R. Francis, the then Secretary of the Interior, in the matter of the right of non-resident Cherokee Freedmen to participate in the distribution of the fund awarded by the United States Court of Claims, in which the following language is used:-

"It remains to be seen how a citizen of the Cherokee Nation may expatriate himself-"The right of expatriation,inalienable and extends to individuals of the Indian race," United States ex rel Standing Bear vs Crook (5Dill.433). The term includes more, however, than merely a change of domicile. There must be a renunciation of allegiance to the one, and a purpose of making a home and becoming a citizen of another country. But even the ordinary rules of International Law, the Cherokee Constitution has distinctly provided and defined what shall constitute expatriation from that Nation." Whenever any citizen shall remove with his effects out of the limits of this Nation and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease." He must not only remove his effects but he must become a citizen of another government. It remains to be seen how an alien, and more especially a dependent alien may become a citizen of the United States. It may be said generally that an alien may become a citizen of this country in one way only, which is strictly a judicial one, that of naturalization. By the Sixth Section of the Act of Feb 8th., 1887(24 Stat 388)

it was provided, however, that:
Every indian born within the territorial limits of the United States who has voluntarily taken up within said limits his residence separate and apart from any tribe of Indians therein and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges and immunities of such citizen, whether said Indian has been or not by birth or otherwise a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the rights of such Indian's tribal or other property."

" The intended operation of this act is in direct conflict with the Constitution of the Cherokee Nation. That constitution provides, as has been seen, that any member of the tribe who shall

become a citizen of any other country thereby forfeits all his rights and privileges as a citizen of that nation, and one of the rights so forfeited would be the right to share in the distribution of tribal property. Yet the act above quoted provides distinctly that no right to tribal property shall be forfeited thereby."

" The controlling purpose of the statute above referred to was to offer inducements to Indians to break up their tribal relations as a step in the direction of a higher civilization. This purpose would have been defeated had it not been for the guarantee that its tribal property rights should be protected."

We submit that the Act of Feb 8th., 1887 above quoted operates to abrogate the provisions of the Cherokee Constitution in conflict therewith as far as this Honorable Commission is concerned, to say the least, and that under its provisions alone the Commission should enroll the applicant.

The Act of June 10, 1896 provides:-

"That the rolls of citizenship of the several tribes as now existing are hereby confirmed,---"

The Act of June 7, 1897 provides:-

"That the words "Rolls of citizenship" as used in the act of June tenth, eighteen hundred and ninety-six making appropriations for current and contingent expenses of the Indian department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety seven, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls,-----"

Section 21 of the Act of June 28, 1898, known as the Curtis Act, under which this Roll is being made by the Commission, provides "That in making rolls of citizenship of the several tribes

as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceeding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon;---

We respectfully submit that the name of the applicant appearing on the Cherokee Roll of 1880 as well as on the Rolls made by the Cherokee Nation since that date, there can be no reason for refusing to enroll him at this time upon the roll now being made^{by} this Commission.

The rights of the applicant have been fixed absolutely and his name cannot legally be omitted from the roll.

Respectfully submitted this February 21, 1902.

(SIGNED) N. A. Gibson. / \

Attorney for Applicant.

Service of a copy of the foregoing Brief accepted this 25th day of February 1902.

(SIGNED) W. W. Hastings.

Attorney for Cherokee Nation.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., APRIL 23, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing transcript and that same is a true and complete copy of the original now on file with this Commission.

Subscribed and sworn to before me this 23rd day of April, 1903.

Florine B. Hatch
Notary Public.

0762

Cherokee D 18.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Luella Flythe as a citizen by intermarriage of the Cherokee Nation.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That at Fairland, Indian Territory, July 12, 1900, Napoleon B. Flythe appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself and children as citizens by blood, and for the enrollment of his wife, Luella Flythe, as a citizen by intermarriage of the Cherokee Nation. The application for the enrollment of said Napoleon B. Flythe and children has been heretofore disposed of, and their rights to enrollment will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Luella Flythe, is a white woman, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation except such as she may have acquired by virtue of her marriage to said Napoleon B. Flythe, a citizen by blood of the Cherokee Nation, in the year 1887.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the case of *Walker Red Bird, et al., vs. the United States*, Luella Flythe is not entitled, under the provisions of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Dated at Muskogee, Indian Territory,

this JAN 10 1907

(COPY)

WJS

Cherokee D. 18. CR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Napoleon B. Blythe for the enrollment of himself and his eight minor children, William H., John E., Mary J., Farry A., Aubrey A., Ermer L., Jesse L. and Charles F. Blythe, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on July 12, 1900, Napoleon B. Blythe appeared before the Commission at Fairland, Indian Territory, and made application for the enrollment of himself and his seven minor children, William H., John E., Mary J., Farry A., Aubrey A., Ermer L. and Jesse L. Blythe, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 15, October 1, and October 14, 1902. The application also included Luella Blythe for enrollment as a citizen by intermarriage of the Cherokee Nation, but her status as such is not passed upon at this time and she is not embraced in this decision. Since the date of this application another child, Charles F. Blythe, has been born to Napoleon B. Blythe and his wife, Luella Blythe, and that child is now embraced in this decision.

The evidence in this case shows that Napoleon B. Blythe, a Cherokee by blood, who is identified on the Cherokee authenticated tribal roll of 1880, and Luella Blythe, a white woman, were married in the year 1887. Napoleon B. Blythe and his five minor children, William H., John E., Mary J., Farry A. and Aubrey A. Blythe, are all identified on the Cherokee strip payment roll of 1894 and on the Cherokee census roll of 1896, and Ermer L. Blythe is identified on the Cherokee census roll of 1896. The two other children, Jesse L. and Charles F. Blythe, are too young to be on any roll, but are duly identified by birth affidavits made a part of the record herein.

It further appears from the evidence that Napoleon B. Blythe was born in the Cherokee Nation and lived there continuously until the year 1882, in which year he went to the State of Missouri. He remained in the State of Missouri until the year 1892, at which time he returned to the Cherokee Nation with his wife and children, and has remained in said nation ever since. The residence of the minor applicants herein is considered to be governed by that of their said father.

The evidence further shows that Napoleon B. Blythe's removal from the Cherokee Nation in 1882 was based upon expediency and not from choice, and it is considered from the surrounding facts, coupled with his return to the Cherokee Nation and his continued residence therein since his said return, that he has not forfeited his rights of Cherokee citizenship, and his status as such extends to his minor children.

It is, therefore, the opinion of this Commission that, following the decision of the Department in the case of Joseph D. Yeargain, et al. (I.T.D. 2900-1903), Napoleon B. Blythe, William H. Blythe, John E. Blythe, Mary J. Blythe, Farry A. Blythe, Aubrey A. Blythe, Ermer L. Blythe, Jesse L. Blythe and Charles F. Blythe, should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Rixby
Chairman.

(Signed) T. F. Needles.
Commissioner.

(Signed) C. R. Breckinridge.
Commissioner.

(Signed) W. E. Stanley.
Commissioner.

Dated at Muskogee, I. T.,
this Jun 1 - 1903.

D.C. 52659-1906.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

LJB

I.T.D. 7606-1903.

November 27, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to the letter of the Commission to the Five Civilized Tribes of August 11, 1903, submitting the application of Napoleon R. Rlythe for the enrollment of himself and children as citizens by blood of the Cherokee Nation, you are advised in view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Ernois R. Rlythe, et al., intermarried white persons claiming to be entitled to citizenship in the Cherokee Nation, that the application for the enrollment of Luella Rlythe, wife of Napoleon R. Rlythe, as an intermarried citizen should be disposed of.

The record in the case of Napoleon R. Rlythe et al., has been returned to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

3 inc. to Ind. Of.

Cherokee D.
118

Muskogee, Indian Territory, January 8, 1907.

Luella Blythe,

Afton, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. H. J. - 12.
H. J. C.

Register.

Commissioner.

Cherokee D.
18.

Muskogee, Indian Territory, January 8, 1907.

N. A. Gibson,

Attorney for Luella Blythe,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying the application for the enrollment of Luella Blythe, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior, for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H. J. - 11.
H. J. C.

Commissioner.

Cherokee D.
118

Muskogee, Indian Territory, January 8, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying the application for the enrollment of Luella Blythe, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Secretary's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H. J. - 10.
H. J. C.

Commissioner.

Muskogee, Indian Territory, January 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of November 27, 1906 (I.T.D. 7606-1903), there is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Luella Blythe, as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, denying said application.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Encl.H.J.-27
H.J.C.

Cherokee D18

3072

Muskogee, Indian Territory, March 7, 1907.

Luella Flythe,

Afton, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 2, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior February 21, 1907.

Respectfully,

RPI

Commissioner.

Cherokee D18

Muskogee, Indian Territory, March 7, 1907.

W. A. Gibson,

Attorney for Luella Blythe, .

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, reflecting the application for the enrollment of Luella Blythe as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior February 21, 1907.

Respectfully,

Enc I-203

EPI

Commissioner.

Cherokee D 18.

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 8, 1907, rejecting the application for the enrollment of Luella Flythe as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior February 21, 1907.

For your information, there is enclosed herewith a copy of Departmental letter.

Respectfully,

Enc I-202

Commissioner.

RPI

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 1, 1907.

4306, 4332, 4333, 4334,
4674, 4700, 4700, 4701,
4792, 4600--1907.

February 27, 1907.

SIR:

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of case.	Date of your letter of transmittal.
Lucile Wann, (widow),	January 2, 1907.
Louis Brown (widow),	October 17, 1906.
Manchie James,	October 17, 1906.
George F. Madden,	October 17, 1906.
Ada A. Highburn,	February 2, 1907.
Lucy Chisholm (Lucile Wann) (widow),	November 23, 1906.
Edith Mary Jones,	November 23, 1906.
Luella Nye,	January 8, 1907.
Frances Gullins et al.,	January 7, 1907.
Alexander Albert et al. (widow),	January 3, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

James M. Wilson.

1 inc. and 1
inc. for Ind. O.

Assistant Secretary.

Land
2938-1907.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

COPY

February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of November 27, 1906 (I.T.D. 2606-1903) there is enclosed the record of proceedings in the matter of the application for the enrollment of Luella Blythe as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes dated January 8, 1907, adverse to the applicant.

The record shows that on July 12, 1900, Napoleon B. Blythe appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Luella Blythe as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the applicant herein is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation except such as she may have acquired by virtue of her marriage to Napoleon B. Blythe, a citizen by blood of the Cherokee Nation, in the year 1887.

By reason of the provisions of the Act of Congress approved June 26, 1906 (34 Stat.L., 491), and following the decision of the Supreme Court of the United States dated November 5, 1906 in the case of *Danile Red Bird et al vs. the United States*,

-2-

the Office concurs in the decision of the Commissioner Bixby denying the enrollment of Luella Blythe as a citizen by intermarriage of the Cherokee Nation.

Very respectfully

C.F. Larrabee

Acting Commissioner.

KRM. PR

Cher R 1022

Trans from Cher D23

Cher R 1022



Department of the Interior,
Commission to the Five Civilized Tribes,
Fairland, I.T., July 12, 1900.

In the matter of the application of John V. Graham, et al for enrollment as Cherokee citizens, being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q What is your name? A John V. Graham.
Q What is your age? A Fifty-six years old.
Q What is your post office? A McLain, I.T.
Q What is your district? A Canadian.
Q How long have you lived there? A About eight years.
Q How long have you lived in the Territory? A I have been living in the Territory thirteen years the second day of next month.
Q The Territory has been your residence continuously during that time? A It has.
Q Do you apply as a Cherokee by blood? A I do not.
Q Intermarried Cherokee? A Yes sir.
Q Do you wish to apply for anybody besides yourself? A My wife and two minor children.

Have you a marriage license and certificate? A I have.
(Produces license and certificate.)

Q This paper you have handed me is a duly certified copy of marriage license issued to you on the 7th day of February, 1884, by C. S. Shelton, Clerk of Delaware District, with a certificate of your being married to the person named in that license, namely Miss Missouri Dawson, a citizen of the Cherokee Nation, you a citizen of the United States, on the 12th day of February, 1884, and signed L. V. Rivers, Presiding Elder Cherokee District Indian Mission Conference; the copy is duly signed and certified to under seal by J. R. Hastings, Clerk of Delaware District, Indian Territory; this has been exhibited to the representatives of the Cherokee Nation, and they make no objection to the regularity, and due order of this document, and it is accepted. Your wife's maiden name was Missouri Dawson? A Yes sir.

Q She is a Cherokee by blood? A She is.

Note: 1880 roll examined, and name of applicant's wife not found thereon.

Q Why is your wife's name not on the roll of 1880? A We wasn't here at that time.

Note: Applicant here presents certificate of admission of his wife in 1884.

Q This paper you have handed me seems to be a duly attested copy from the office of the Commissioner of Citizens ip at Tahlequah, of the Cherokee Nation, dated September 14th, 1884, to which a number of persons, among them Missouri Dawson, whom you claim as at present your wife, were, after certain proceedings, duly admitted by the Commission on citizenship, and this copy is attested under seal by John L. Blair, Executive Secretary; this is further corroborated by a document dated July 28th 1886, both of which states that on the 14th day of September, 1884, Missouri Dawson, among others, was admitted to Cherokee citizenship as Cherokees by blood. These documents are exhibited to the representatives of the Cherokee Nation and they make no objection to

them, as to form, and they are accepted as due and regular as to form.

Statement by Attorney Hutchings, attorney for Cherokee Nation:

The representatives of the Nation desire to state here that this is one of a large number of cases that will come up under the admission by this court, and that we are now in possession of sources of evidence that there was a fraudulent judgment, and that we will use all diligence to get this testimony and bring it before the Commission at the very earliest moment possible, and will desire that it shall be a whole showing; due notice being given to the other side. It would be almost impossible for us to get this evidence in every single case, because it would be a very great expense to the Nation, and we could use it all at one time as it relates to the rendition of the judgments and the fraudulent character of the same.

Examination by Com'r Breckinridge:

Q How many children have you? A Two minors.

Q Give their names and ages? A Tempa V. Graham, seventeen years old. (On 1896 roll, Canadian District, page 29, #797, as Tempa V. Graham, aged thirteen years.)

Q You identify that as your child? A Yes sir.

Q Your next child? A Robert Lee, aged fourteen years.

(On 1896 roll, Canadian District, page 29, #798, as Robert L. Graham, aged ten).

Com'r Breckinridge: This child is also duly identified on the roll as stated.

Note: 1896 roll examined, page 88, #100, John V. Graham, Canadian District; 1896 roll, Canadian District, Page 29, #790a, Missouri Graham.

Com'r Breckinridge: They are both duly identified as stated on the roll of 1896.

Applicant: They will not appear upon the 1894 roll; but they appear upon the rolls of 1888 or 1889; upon the last grass payment roll.

Note: 1894 roll examined, Canadian District, page 37, #812, Missouri Graham.

Applicant: Yes, we were on the 1894 roll.

Robert L. Graham, 1894 roll, page 37, #818; Tempa V. Graham, 1894 roll, Canadian District, page 37, #817.

Q It appears, Mr. Graham, that all of your family except yourself are upon the roll of 1894, all except yourself drawing money at that time? A I misunderstood you as to the 1894 roll; we were on that, and also on a previous roll to that.

Com'r Breckinridge: The evidence that you adduce, while of course it all bears upon your claim, is none of it that character of evidence which Congress makes compulsory for admission, it gives jurisdiction to the Commission. There is certain evidence that Congress requires to be received as absolute and conclusive. Your evidence, however, conclusive as it may be in its nature, is not of that character as regards the application of existing law. The representatives of the Cherokee Nation give notice that they wish to take certain steps which they have stated before you, attacking the validity of certain action on the part of the Cherokee Nation, or rather, the Commission on Citizenship, and in view of that, and for first consideration

of the case, the Commission will put your application for yourself and your wife and children, for the present at least, on what is called a doubtful or suspended card, and a reasonable time will be given to the nation to make such representations as it thinks just and proper. I wish to say to you also that any evidence, papers or proceedings that you consider to your interest will be received and welcomed on the part of the Commission, so that so far as any further proceedings are concerned there will be an equally fair show on both sides.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case

(Signed) M. D. Green.

Subscribed and sworn to before me this 10th day of July, 1900.

(Signed) E. S. Needles,

Notary.

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this 1st day of August 1904.

Charles H. Sawyer
Notary Public.

CHEROKEES BY BLOOD AND ADOPTION.

Name John A. White Date July 12 1900.
McKinn, S. C.
 District Cherokee Year 1896 Page 88 No. 100
 Citizen by blood _____ Mother's citizenship USA

Intermarried citizen yes
 Married under what law Cherokee Date of marriage _____

License _____ Certificate presented to the board
 Wife's name Mrs. Susan A. White

District Cherokee Year 1896 Page 29 No. 1900
 Citizen by blood yes Mother's citizenship USA

Intermarried citizen _____
 Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

<u>Lucy A. White</u>	Dist. <u>Cherokee</u>	Year <u>1896</u>	Page <u>29</u>	No. <u>197</u>	Age <u>17</u>
<u>Robert A. "</u>	Dist. <u>"</u>	Year <u>"</u>	Page <u>"</u>	No. <u>98</u>	Age <u>14</u>
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____
	Dist. _____	Year _____	Page _____	No. _____	Age _____

to be filed with C. D. 23, John W. Graham et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, with his children for enrollment as citizens of the Cherokee Nation, and being sworn by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty eight years old.
Q What is your Postoffice? A Ocoona.
Q What District do you live in? A Delaware.
Q What is it you want to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.

Q How long have you lived in the Cherokee Nation? A Since 1883.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1883, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

Q What is your name in it? A Yes, sir.

This is recognized as satisfactory evidence of the facts stated.

Q Have you lived in the Cherokee Nation ever since your admission?

A Yes, sir; in Delaware District ever since.

Q Give us the name of your wife? A Katie Dawson.

Q How old is she now? A Forty five.

Q Was she admitted with you? A No, sir.

Q Have you married her according to Cherokee law since your admission? A No, sir.

Q Have you not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license certificate, showing that he was married to his wife, as stated above, in 1880, by the Reverend R. W. Goudelock, in Carroll County, Arkansas, the license being issued by the Clerk of that County.

These papers are filed herewith.

Q Was your wife not admitted by the Cherokee Commission, when you were? A No, sir.

Q At any other time? A No, sir.

Q Part of the Commission or Council? A No, sir; she was not.

Q On the census rolls? A Yes, sir.

Q Give us the names of your children, please? A Lula.

Q How old? A Seventeen.

Q Next child? A Ray.

Q How old? A Fifteen.

Q Next child? A Jessie Jane.

Q How old? A Fourteen.

Q Next child? A Jacob Levy.

Q How old? A Ten.

Q Next child? A Hugh A.

Q How old? A He is eight I believe.

Next child? A Laura.
 How old is that child? A She is four years old.
 Is that all? A Yes, sir; six of them. I have others, but they
 are not at home.
 Are they married? A No, sir.
 Are they over age? A Yes, sir.

(1896 Roll, Page 461, #902, Francis Marion Dawson, Delaware.
 (1896 Roll, Page 569, #135, Katie Dawson, Delaware District.
 (1896 Roll, Page 481, #903, Lula Dawson, " "
 (1896 Roll, Page 461, #904, Ray Dawson, " "
 (1896 Roll, Page 461, #905, Jesse James Dawson, Delaware Dist.
 (1896 Roll, Page 461, #906, Jacob Levy Dawson, " "
 (1896 Roll, Page 461, #907, Hugh A. Densmore Dawson, " "
 (1896 Roll, Page 461, #908, Laura Albertie Dawson, " ")

Is this Lula or Luly? A Luly.

The applicant applies for the enrollment of himself, wife and
 six children:

Were these children all born since you were admitted into the
 Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission,
 cited in the testimony, to have been admitted to Cherokee
 citizenship, by the Commission on Citizenship, January 11th,
 1893; he is identified on the roll of 1896, but the representa-
 tive of the Cherokee Nation desires to make inquiry into the
 methods of that time, and for that reason, the application of
 the applicant will at present be placed on a "Doubtful Card."
 He has lived in the Cherokee Nation ever since his admission
 to citizenship. His wife was married to him under United
 States law, and was married prior to his admission: she has
 never been remarried according to Cherokee law: She has lived
 with him ever since his admission to citizenship, and she is
 identified on the roll of 1896. The application for her
 enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are
 identified on the roll of 1896: They are living at this time,
 all having been born since his admission (Applicant's). These
 children will be placed with him on a "Doubtful Card". The
 applicant's marriage to the mother of these children is estab-
 lished by the marriage license and certificate filed herewith.
 If any additional papers, adverse are developed in this case,
 he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to
 the Commission to the Five Civilized Tribes, he correctly
 recorded the testimony and proceedings in this case, and that
 the foregoing is a true and complete transcript of his steno-
 graphic notes thereof.

(Signed) R. R. Cravens.

Subscribed and sworn to before me
 this 10th day of September, 1906.

(Signed) C. R. Breckinridge,

Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment :
of F. M. Dawson and others as :
Cherokee citizens. :
-----:

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Denison in the Gray-Halsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q State your name, age, residence and occupation?
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation,
I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Tches, Wolf and myself, Tches was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission besides yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two, sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session.
A In case of decisions I think they sometimes had secret sessions.
Q you, the judgments of the Commission were pronounced openly
Q What you intended to convey by you answer to the former question
was that after hearing the proof the Commission or Court deliberated
in secret session upon the testimony taken before reaching a
decision or announcing it? A After hearing all the testimony
went into secret session.

Q I will present you with a paper which the Notary will mark
Exhibit "A" and a copy of which he will attach to your deposition
and will ask you if with the exception of the certificate of record
by M. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary,
you recognize it as a paper you have ever seen before?

A I recognize the signature to it, but don't remember the instrument
on which signature on that paper do you recognize? A My own.

Q That signature is in your own handwriting? A Yes, sir.

Q Do you know whether Thomas Teehe, president of the Commission
could write in English or not? A No, I don't think he could.

Q How as to Alexander Wolfe, a member of the Commission?

A I don't think he could write either, I don't think either of
them ever wrote except by touching the pen.

Q Were you, and are you familiar with the handwriting of B. W. S.
Duncan, the Clerk of that Commission?

A Tolerably well, but it has been a long time since I saw any of it.

Q Will you look at the paper again and say whether you recognize
the signature attached thereto?

A Yes, that is his signature to the best of my knowledge.

Q Do you preserve any personal recollection of the application
made to that Commission of F. H. Dawson and other members of the
Dawson family, to be admitted as citizens of the Cherokee Nation
by the Commission?

A I remember F. H. Dawson and his brother, that is about the only
names I remember.

Q The question was not as to the personal recollection of the
individuals, but as to the claim being presented by the Dawson
family admission?

A Yes, there was such a claim before the Commission.

Q Can you state as to the citizenship of Thomas Teehe, whether
he was a citizen of the Nation by blood or not?

A Yes, sir, he was always recognized as such, full blood Cherokee.

Q What is your knowledge of Alexander Wolfe?

A About the same, he was also a full blood and recognized as
Cherokee.

Q Judge Thompson, if you possessed or had, or have now any
knowledge of any corruption or bribery of the court or Commission
or any member of it by F. H. Dawson or any of the Dawson family
or anybody connected with the presentation of their claim for
citizenship, state it fully?

A None whatever as far as I was concerned, and I don't think there
was by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the
certificate shown you is in your handwriting?

A Yes, sir.

Q Then Mr. Duncan certified that this is a transcript of the decision
in the case, he is mistaken, that is the original?

A No, I don't know, that may be the original, if that is not the
original I do not sign it, if it is the original I sign it.

Q You state that the witnesses were examined orally before the
Court, don't you know that in almost every case you took an oath

- Q. Affidavits of witnesses when those witnesses were not present?
A. I think we ruled ex parte evidence out, as well as I remember.
Q. Did you have any stenographer or anybody to copy the evidence?
A. Duncan did all of the copying.
Q. Was the evidence copied and preserved?
A. Yes, sir, I think it was.
Q. What was done with that evidence, where was any of it ever put?
A. I suppose it is at Tahlequah in the office of the Treasurer or Secretary.
Q. When you went into secret session did you have Mr. Duncan read evidence to you?
A. Yes, sir, we went over the evidence thoroughly.
Q. Did you allow the applicants or their attorneys admission to your secret sessions?
A. No.
Q. When you go ready to render your decisions did you then send applicants or their attorneys?
A. No, sir.
Q. When you rendered them in secret also, did you? A. Yes, sir.
Q. Do you any recollection who testified in the Dawson case, as to their claim? A. No, sir, I have not.
Q. Have you any recollection as to who they claimed their Cherokee ancestors were? A. Yes, sir, they claimed the Rogers.
Q. Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?
A. The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.
Q. I don't know that they did, particularly.
Q. How could your court determine when they claimed descent through the Rogers family, that that family was of Cherokee blood?
A. The applicant objects to the question upon the same grounds as their objection to the previous question.
Q. By the evidence they produced.
Q. Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A. Yes.
Q. Who was the attorney for the Dawsons? A. Old man Houston Bengs.
Q. Could either Teehee or Folse speak English? A. They could understand, but they never spoke English, they had an interpreter.
Q. Did you ever talk to either of them as to whether they got anything for deciding this case? A. No, sir.
Q. How long were you considering the case altogether?
A. I could not say as to that, I think we were on it two or three days anyhow, I could not say positively now, they were a long time sitting in testimony.
Q. There were only two or three witnesses examined all told, were there not?
A. I think so, three I think, they had quite a lot of affidavits, we did not consider them.
Q. Until the Court was a good while arriving at its conclusion after evidence was closed?
A. Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

- Q. Do you remember who the interpreter the Commission was during the Dawson case?
A. There was Reese, I forget his given name.

Q Do you now whether he is living or dead?
A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.
Q What was he, a Cherokee by blood?
A He was considered a Cherokee by blood.
Q Do you know where he lived at that time?
A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, hereto certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Mich. Record Mortg. & Liens, page 339.

Witness my hand and seal of said court at Muskogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cherokee Nation,
Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TAHLEQUAH, CHEROKEE NATION, JANUARY 11th, 1893.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, Rial Dawson,
VS,
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1893, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation; and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all aspects as native born Cherokees.

D. W. C. Duncan,) Thomas Tehee, President of Com.
Clerk of Commission.) Alex Wolf,)
T. F. Thompson,) Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

D. W. C. Duncan,
January 11th, 1883. Clerk of Commission.

Executive Department,
Tahlequah, Cherokee Nation,

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions as such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,
Asst. Ex. Secretary.

United States of America,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 1, 1900." The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, on the 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd. 1902.,

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q Please state to your name, age, residence and occupation?
A My name is D. W. C. Duncan, my age is 70 years, my residence is Wichita, Indian Territory, my occupation is a farmer.
Q How long has that been your place of residence? A Since 1874.
Q Are you a member of the Cherokee Nation as it is now constituted?
A Yes, sir.
Q Upon what is your citizenship based, a Cherokee by blood?
A Yes, a Cherokee by blood.
Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?
A About that time I held the position of Clerk of the Citizenship Court or Commission.
Q If you remember the names of the members of that Commission or Court, please give them?
A The President of the Commission was Tehee I believe, and a member by the name of Wolfe whose first name I don't recollect, and Mr. Thompson here.
Q T. F. Thompson?
A Yes.
Q Do you know whether those three members of that Commission were civilized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?
A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.
Q Will you please look at the paper now handed you which the State has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's deposition, and state whether with the exception of the certificates of T. H. Bragdon, Clerk, and of John L. Asair Asst. Ex. Secretary, recognizing the paper as one you have ever seen before?
A Yes, I think I have seen this before.
Q When, and where, if you remember, did you first see that paper?
A This is a paper I drew up at the time I was acting as clerk of said Citizenship Court.
Q Looking at its date, was it drawn up at you at the time it bears date?
A To the best of my recollection it was drawn at the date specified.
Q Do you recognize the signature to the certificate attached to that paper?
A Yes, that is my signature.
Q And if you know, in whose handwriting the body of the paper is written?
A It is in my handwriting.
Q And at that time you were Clerk of that Court, is that so?
A Yes.
Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, whether they were written?
A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.
Q Explain please, how you came to write the signatures of Tehee, Wolfe and Alex Wolfe to that paper?
A Tehee, Tehee and Alex Wolfe were full blood and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, where admitted?

A In all instances. Here it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Teehe's and Wolf's names and T. F. Thompson to sign his own name.

Q You didn't catch exactly my idea, but perhaps that answered it, that I intended to call your attention to, was whether when applicants had been admitted to citizenship a paper of this kind was shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?

A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was put upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.

Q Did you have any knowledge at the time the application of the Dawson family, F. H. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. H. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Broken Nation, state it fully?

A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, how did you have the judges sign it?

A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.

Q Examine that signature of Mr. Thompson, examine the first T in the name and the T in Teehe's name and see if it is not all your handwriting?

A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.

Q How was the evidence taken in those cases?

A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existence or not?

A I do not, the last I saw of it was when I turned the records over to the Executive Office at Tahlequah, and I have not seen it since.

Q You say you never heard any talk about this being an improper case until very recently?

A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that and not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recollect his first name.

Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?

A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney G. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given and my hand this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation. He being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixth years old.
Q What is your postoffice address? A Afton now, it used to be Juchita.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A Willia B. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Alfred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 10th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; when they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as husband and wife until his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, M. Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.

Q Were you present at the marriage? A No, I wasn't present at the marriage.

Q Did you see them soon after their marriage? A Yes, sir.

Q Did you continue to know them for any length of time afterwards? I knowed them as long as she lived.

Q During the time you knew them did they live together as husband and wife? A Yes, sir.

Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:

Amos, Alfred et al D-585, John Dawson, D-580, William H. Dawson D-581, Lizzie Dawson D-584 and Francis H. Dawson Jr. D-588.

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. G. Rathenberger.

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902 the
following proceedings were had:

APPEARANCES:

Mr. A. S. McKennon, of counsel for applicants;
Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case
and announces that it is ready for trial, provided permission is
given to hereafter examine before the Commission, either at this
place or Fort Gibson, the witness S. H. Benge, who has been regularly
ordered to attend at this day and time but who is too sick to
travel at this time and probably will be for some time to come. As
evidence of a good faith of the Nation we hereby present an affidavit
of the facts sought to be proven by the said Benge. If the applicant's
counsel are willing to concede that the witness if present would
testify to the facts herein set forth, the Nation is ready to
proceed to trial without reservation of any kind. If they are not
willing to reserve this privilege of hereafter, either tomorrow
or otherwise, this case being set for to-day and tomorrow, of
examining before the Commission, or its authorized officer, this
witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the
paper presented and do not admit that the witness, Samuel H. Benge,
if present would testify to the facts therein stated. They consent
and desire that the testimony of said Benge be taken before the
Commission at its office in Muskogee but not elsewhere, and protest
against it being taken at any other place, with the understanding,
however, that when taken we have opportunity to introduce any evidence
in our desire in rebuttal.

Mr. Hutchings:

The Nation will pay all the expenses of the opposing counsel,
their client and Commission officers in taking the deposition at
Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are
material in their character and are quite tangent. The Commission
of its own volition would acquire information of the character of
the roll of its existence anywhere. While the functions of the
Commission, as well known are in many respects judicial, yet it is
clothed with somewhat complex powers, such as Congress provides for
time to time to do business of certain character, and it is ordered
to make a correct roll, which is a duty largely independent of
proving simply what is brought before them; it must be the creator
and constructor of that roll and if evidence is not brought before
the Commission it must go out and get it, to be guided by
that construction of the law. The Commission, therefore, desires
this information independent of any counsel on either side concerning
respect to the applicant and to the Nation, and if this witness is

FRANCIS M. DAWSON, the applicant, re-called her of several
cross-examination on part of the Cherokee Nation:
MR. HUSTONING:

What is your name? A Francis H. Dawson.
Where do you reside? A In Afton.
You have been examined in this case heretofore, have you?
I don't know which case it is.
In your own case? A Yes, sir.
Are you the one that is commonly called Bud Dawson? A Yes, sir.
You made the original application - the Dawson Family Form
application to citizenship in the Cherokee Nation, didn't you? A
Yes, sir.
What was his name? A A. F. Dawson.
Was that Robert Dawson and Flibert Dawson and other? A No, sir.
Or Al, 'el, but that time? A Yes, sir.
Did you ever admit about a fourth of January 1933? A Yes, sir.
There were other members of your family that applied for
citizenship after that time? A Yes, sir.
Do you not remember the evidence offered in that case
as to the case and the relationship between you and
others and the evidence of your admission of the fact
in all the subsequent admissions I mean the only admission of
the fact that you and your brothers had been admitted to
citizenship they went him to you; that was the only admission of
any subsequent cases, wasn't it; so far as you know?
That is after that?
Yes, afterwards? A I don't think there was any other
admission.
Isn't you one that there was never any admission of
in any other case except evidence of Dr. Baker's admission
that?
Who else? A Oliver Miller.
Who was Oliver Miller? A He was in the case and was
admitted to citizenship by Oliver Miller. I don't know
where he was, but he was not. A He is a man who was
well, that admission in 1933. A Yes, sir.
Yes, sir, former.
Was your admission ever testified? A Yes, sir.
You testified when Dr. Baker testified. A Yes, sir.

- Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
- Q You don't read do you, Mr. Dawson? A No, sir, I don't read nor write; I can barely write my name.
- Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
- Q Were you present when you were admitted? A I was not in the room.
- Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
- Q I will read this paper to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case:
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
- Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember at all.
- Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
- Q Now, you were a son of what Dawson? A Robert Dawson.
- Q How many children did Robert Dawson have, and give me their names?
A Elbert Dawson, the oldest; Lila, Jasper, Francis Marion.
- Q What is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Anna Dawson, Mollie Dawson, Wilburn Dawson.
- Q Thirteen? (No response.)
- Q Now, Robert Dawson's father was what? A Sam Dawson.
- Q Who was Sam Dawson's wife, your grandmother? A I don't know.
- Q My family history is all you know? A She was called Polly Pruitt.
- Q Who was Anna Pruitt? A I don't know.
- Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
- Q Your grand-mother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
- Q Pollie Dawson? A Yes, sir.
- Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
- Q Daughter of Captain John Rogers? A Yes, sir.
- Q Now, she died in Texas what time? A I don't remember.
- Q Can't you guess at it? A Oh, I could guess.
- Q Give your best recollection? A About '88 or '89, or '90, or '91; I don't say positive, just guessing at it.
- Q Was she old a boy were you then? A I was born in '91.
- Q Have you any distinct recollection of her? A No, sir.
- Q Have you any recollection of all the children of Sam and Polly Dawson; that is, your father, uncles and Aunts? I don't know.
- Q Do you know by family history the names of all of them? A Yes, sir.
- Q Will you give them to me?
- Q Patsy A. Dawson, I believe her name was.
- Q Did she marry a Petty? A Yes, sir; the last is Robert A. Petty.
- Q Your father? A Yes, sir.
- Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Emma Dawson.
- Q Did he have two daughters? A Yes, sir.
- Q Tell me, sir? A The next one was Joe Dawson, I never saw him.

- Q That is Samuel P. Dawson, Riley Dawson? A Yes, sir.
Q Any other one? A That is all I know anything about.
Q Did he have any child by the name of John? A Yes, Jack.
Q Didn't you see Jack replaced with Joe? A No, it was Joe; I never heard my father speak of him.
Q When they have seven children? A I never see them all.
Q How many of them did you ever see? A I see uncle Riley Dawson and James Dawson and Jack Dawson and Reley Ann Petty; I don't think I see but one of Pa's sisters and brother, they went to Mississippi.
Q Do you know what your family history says that the mother of your mother, Pollie Rogers' name was? A We have no history.
Q How it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is the other man, Oliver Hiller that testified in your case? A He testified in James Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker?
A Yes, sir, several other witnesses.
Q Who are they? A I don't remember; my mother got them dressed around Salisbury, old people.
Q Did you recall? A No, sir.
Q Were only present when Dr. Baker testified? A Yes, sir.
Q Now, do you find any mistake in Dr. Baker's statement there?
A I don't find any of that was correct or not, part of it is correct.
Q What part is correct? A My best knowing the family ever there.
Q Who is Jack Dawson? A My brother.
Q What is his name? A He is called Jack, it is right, James.
Q The one with you the first time you went up to make a citation?
A With my brother.
Q The first time? A I got a brother in Texas.
Q Where was he? A E. Dawson.
Q What is Albert or Rich? A Yes, sir.
Q Was he living in Arkansas? A Yes, sir.
Q Was he living in Texas? A Yes, sir, my mother and I.
Q Is brothers, Dr. Dawson now?
A Yes, sir.
Q What is his name? A James.
Q You three on the case? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all testimony of the witnesses relating to the testimony introduced before the Circuit Court in this case, and the history of the family is detailed by him, and is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said court, or either of the Commissioners in said case, and as of the lower family.

Court: The objection of the Attorney General applicants to the testimony above will be noted. The case is filed and will be put it to rest.

(Attorney General applicants reserves examination.)

C. H. TAYLOR, Clerk of the Court, testified as follows on part of the Cherokee Nation:
MR. HITCHINGS:

Q State your name? A C. E. Taylor.
Q Where do you reside, Mr. Taylor? A In near Coffeyville.
Q Were you an attorney before various citizenship Courts along in '11 to '17 in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for F. H. Dawson commonly known as Bud Dawson?
A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
Q Do you know who composed the court that decided the case at that time? A Yes, sir.
Q Who were they? A Tom Tehee and Alex Volfo and Tolly Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there was only two of them present.
Q Which two? A Tehee and Volfo.
Q Who was the Clerk of the Court at that time? A Mr. Duncan, H. W. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson?
A No, sir; now I was the attorney in the case and the evidence had already been filed before the court.
Q When did you make attorney? A I was only called in as an attorney at the-- Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case.
Q I don't think it would be right for me to take any statement.
Q No, you have claimed your privilege, I ask that you answer the question. Did Dawson ever send you any money with the direction to give it to either member of the Court or the Clerk of the Court, H. W. C. Duncan, and if so state the amount? A I had a word of trouble over this matter.
Q This is on: Just answer the question, Mr. Taylor.
Q Well, the attorney I don't believe it is right for me to answer that question.
Q Commission: Do you refuse to answer? A Yes, sir.
Q Did the matter on which you object to testifying occur prior to the decision of the decision on admission to citizenship or afterwards?
(No response)
Q COMMISSIONER BRECKINRIDGE:
Q Do you desire to reply to the last question? A I don't think it right; I was attorney in the case.
Q Mr. Taylor, do you object to answering that question? A Yes, sir.
Q Do you refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you don't answer it? A I had rather answer it.
Q Mr. Taylor, you have answered a number of questions back to this point, and it is at this point that you prefer to plead your privilege, as an attorney, do you? A Yes, sir.
Q COMMISSIONER BRECKINRIDGE: The order is read to these matters as lodged in the United States. The Court is clothed with special power with reference to the order to arise through this Commission. Of course the Commission is free and the government needs for the taking of a correct roll the Solicitor General is available, but it is subject to the limitation of law, and it is not for this Commission to decide of the law or of the character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.

Under Section 21 of the Cirtis law as it is commonly called Act of June 23 1898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to make rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are with in your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct you to make answer, and if you refuse I shall report the matter to the United States Court: do you refuse? A Yes, sir.
Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer: viz: as to whether Mr. Dawson sent you money to pay to the Court or to any of the officials of the Court, is it not to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court: now, I direct you that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.
Q Now, I repeat that you are on that question, do you refuse?
A Yes, sir.
Q I shall also report that refusal to the United States Court and it seems to come under the provision of law, relating to contempt, when you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you are counsel for Mr. Dawson. I will report the matter to the Court and you will be informed of the result of any proceedings in the matter I mention you not to tell Mr. Dawson or any of the applicants in this case.

Mr. McKen on: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only wish to object to the incompetence and incompetency of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COMMISSIONER BRACKINRIDGE:

Q You still refuse having the consent of the attorneys in the case to the answer? A I will just ask your Honor to let the matter go until morning.

Commissioner Brackinridge: It will wait until in the morning at its present status: it is never business hours now.

As for the objection made by Captain McKeon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-morrow afternoon, March 13, 1902.)

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of FRANCIS M. DAWSON ET AL., as citizens of the Cherokee Nation:

Mr. A. S. McKennon, of Counsel for applicants.
Mr. W. T. Huttings, of Counsel for Cherokee Nation.

Q What year was that? A Samuel H. Benze.
Where do you reside? A Fort Gibson.
How old are you? A I am 70 years old, going in 71.
Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee
by blood.
What official position you have held in the Cherokee Nation
for your general connection with the Nation officially in the
last 40 years? A Well, I had several; I have been Sheriff,
Indian Agent, Senator, Delegate to Washington; had a hand in making
the Treaty of 1866, I am the only one living that signed that treaty;
President of the National Council of different tribes of Indians.
Were you acquainted with F. M. Dawson, commonly called Sam
Dawson? A Yes, sir; I know him.
State your connection with and what you knew about his citizenship
before what is known as the Thomas Tokes Citizenship Court?
A When Mr. Dawson came down, I was living down below here, he came and
stayed a while at my place and we went to Tahlequah, I believe
I didn't get taken in till after I filed his case there; we went
several times and continued his case on for the want of evidence,
and finally while we were up there we run across one old darker by
the name of Josh Rogers; he got his testimony and after we got
his testimony we concluded that it was sufficient to go into the
Court. Josh lives some at Fort Gibson, he was a horse trainer
down here and stayed here; he claimed that he knew the Rogers and
was able to tell us where they lived and we thought we had sufficient
evidence we submit our case to the Court for trial, and the Court
went to work and rendered a decision against Mr. Dawson.
After Mr. Dawson ran to court that "our case is enough", just made
it remark, and he just made the remark "never mind", and went
back to town on his horse and again the Court rendered a decision in
favor. I filed no other case or evidence at all whatever; I
left the case up right there and did not come back down until the
fall, and on our way back from Tahlequah, they met me at talking
about the case and I told him: "he was a first hand witness, they
were lying, but don't say anything against him." He said: "Yes, but Dawson
is a first hand witness, he has been in the Court and a decision
has been made against him." A Yes, sir; I was a clerk of the Court.
When did you come to court of-? A Yes, sir; I was in the Court
in the fall of 1890, I was in the Court in the fall of 1890.
Who were the officers of the Court? A Tom Tokes, Alex. Smith and
John Smith.
Did any of those could serve in the Court at that time? A Yes.
What was the result of the case?
The Attorney General of the United States in those cases

What was his given name? A Wilson Sanders; was it Wilson Sanders?
 Was he an educated man, or could speak English well? A No, sir.
 Did Mr. Dawson say anything about the matters having cost him a
 great deal of money? A He said it had cost him a great deal.
 Was any remark made on the way back about the opening up of the
 case, and if so, what? A He asked me if I thought the case was
 ever investigated eventually and I told him I didn't know.

MR. McKENNON:

Were you ever a witness in the Dawson case, Judge, in any of
 those investigations that have been made since that time? A I
 didn't know that you might call it a witness; that young man came to
 me once at Tahlequah, and asked me to help him up there that the
 case was going against him, his and his mother and all was about
 checked out and I interceded and done what I could there before the
 committee. I was not a witness but the fact is I don't for him.
 That was Mr. Graham, wasn't it? A Yes, sir.
 Did you have conversations with Mr. Graham since that time about
 the case? A No, I might, I don't recollect, I might have had conversat-
 ions with him.

Well, after the Dawes Commission began taking a census of the
 Indians and when they were about Sallisaw down here, did you have
 conversation with him here in Fort Gibson about the matter?
 A Yes, I just can't tell you; I have seen him on several occasions,
 but the conversations we might have had I can't state.

To refresh your memory I will ask you if he did not tell you
 that they were making a fight on the Dawson family and he wanted to
 know of you whether that judgment in favor of Robert Dawson's family
 was fairly rendered, and did you not then tell him that it was all
 right, that it was fairly obtained? A Not as I recollect it; and
 that is all I have stated he talked to me in regard to
 whether, himself and probably his brothers and sisters, I don't
 recollect how many there were, but he told me they were rejected,
 that was just the words he used.

That is all? A It has been sometime ago.

Where in Fort Gibson? A Well, that is I saw him here in Fort
 Gibson, and then I saw him in Tahlequah.

Well, did he here in Fort Gibson ask you particularly about the
 Robert Dawson judgment, as to whether it was fairly obtained or not?
 A Yes, sir; he was basing his claim on the Dawson case, what is the
 name-

What is the principal Dawson family? A Yes.

When was this other written statement made, when was this
 made by you? (referring to affidavit heretofore referred to.)
 Yesterday I reckon.

Who came to take this? A Mr. Starr.

Who else was present when this was taken? A No, sir.

Did you tell about this matter, Judge? A No, sir, I know

you know how it was that they knew that you knew him?

A No, sir.

Did you ever make any statement? A Never made any statement that
 I recollect of except I might have talked with Scates, and he

talked about these cases a good many times; if I ever made a state-
 ment it was to Joe Ab Scates.

Did Mr. Starr know? A I could not tell you how Mr. Starr

Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said "what cases," and he went to work and named Shoemaker case and Dawson case. Q And thereupon you made this statement? A He said he wanted to talk to me.

Q Are you certain Judge that after the rendition of the judgment Dawson came back here to Fort Gibson with you?

A Yes, sir; we was together.

Q Now I ask you if it was not a very cold day when he came here and went over ahead of you and you went over to Tahlequah the day or two after he left? A My recollection was he and I together.

Q And returned here together? A Yes, sir.

Q Did he not leave you there and go back direct to Arkansas?

A Yes, sir; we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Fort Smith Falls up here to my house, that is according to his statement.

Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.

Q How did they pay you? A Paid me the money.

Q Who paid it to you? A Dawson there and that fellow, young Elliot paid me some.

Q Mr. Graham? A Yes.

Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.

Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you \$50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.

Q Where did he pay you the money? A Paid it here at home.

Q Where you went out? A He paid me fifty dollars before we went out and when we went up yonder he paid me fifty dollars more;

Q You want to know what I got, I got one hundred dollars.

Q Were acting as his attorney in the case? A Yes, sir.

Q Were any judges were there present when the judgment was rendered?

A Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick.

Q And Tolpe.

Q Did you remember that they were all present? A No, I think they were present though.

Q Was he was present at the time? A Oh, I could not tell you, but there were several people in the house; could not tell you at all.

Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.

Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.

Q Do you remember the names of any of them? A I say not exactly, mostly full bloods.

Q How long did you remain out at Tahlequah on that trip?

A I guess I was there about three days.

Q. Working in his case alone or did you have other cases? A. no,

Q Do you know of your own knowledge that the judges received any money? (The question asked at the instance of Mr. Graham present)
A I cannot say that they received money. I do not know.

10000.0000. . . .

(Signed) J. C. Roush.

March 22, 1962. Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of counsel for applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.
BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today; have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the court.

Q. You would be held in contempt and the other Court would make
you answer? A. That being the case of course I would make a statement.
Q. You are acquainted with "The Constitution"?

Q Well, what'd you reply to her? A I told him that I thought he had gone to church.

Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so: Dawson was in church.

Q You carried Dawson to him? A Yes, sir.

- Q Did you remain during the conversation? A Only a minute.
- Q What was said if naything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
- Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
- Q Did you know of their having any other conversation or communication after that? A No, sir.
- Q You left them there together yourself? A Yes, sir.
- Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
- Q The next morning? A Yes, sir.
- Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
- Q He told you the next morning to call up the case? A Yes, sir.
- Q Was it called up and submitted the next morning? A Yes, sir.
- Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
- Q Could they speak english at all? A Tehee could talk a little, talk some.
- Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted the attorneys would go out. The parties would go out and they would determine the case.
- Q Well, did they go out i to that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
- Q And was the decision rendered that morning in their favor?
- A Yes, sir.
- Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
- Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
- Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
- Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, that.
- Q What did he direct you to do with it? A He directed me to give W. C. Duncan half of it.
- Q Did you give him half of it? A Yes, sir.
- Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundrd dollars more.
- Q Did he direct you to turn any of that and if so how much, to W. C. Duncan? A He told me to give him half of it.
- Q Did you give him half of it? A I did, sir.
- Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
- Q No argument was made when you submitted the case? A No, sir.
- Q Just submitted it on the testimony? A Yes, sir.
- MR. McKENNON:
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Were you born and reared in the Cherokee Nation? A No, sir; I was born in the old Nation.

- Q When did you come to the Cherokee Nation? A Come here in 1885.
- Q How long have you been practicing law in the Cherokee Nation?
- A I think since '68.
- Q You have done a great deal of citizenship business haven't you?
- A Yes, sir.
- Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
- Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
- Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
- Q When was that? A I don't remember how long ago it has been.
- Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
- Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the rail for fraudulent purposes.
- Q Sending out propositions and obtaining case for citizenship for people in the Cherokee Nation? A No, sir, it was for answering correspondents.
- Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
- Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the rail for fraudulent purposes.
- Q The use of the rails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
- Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
- Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
- Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not?
- Q You came on the stand? A Yes, sir.
- Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
- Q But when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occurred between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
- Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he summoned me and I came down here and I didn't want to make a statement to him but he insisted.
- Q He had no power to compel you to make a statement? A No, sir.
- Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.
- Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You know when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.

Q You thought you would not be compelled to answer?

A I didn't think the law would compel me to make a statement.

Q Now then did you make a statement to him about it? A Oh, he was asking me about it, and I told him that I didn't want to make a statement, and I didn't for quite a while after I came down here.

Q When the enrollment division of the Dawes Commission was in Ladlequah, in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him as told Shoemaker I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you? A No, sir; I said to him this: I says that if there is not something done that I will likely be summoned against you and Mr. Shoemaker both.

Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.

Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.

Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?

A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.

Q Why did you make that expression of him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I mean, if I was employed in the case.

Q If he would put up you would not be required? A That they could force me to testify.

Q About the month of February, 1900, in the town of Wagoner, Indian Territory, did you not send your son to get a letter to come to the hotel at night, and did you not then and there say to Ed Graham; "that people are on the doubtful side and if he will give me \$500. I will make it all right and see that he is re-enrolled and if you don't I will see that you don't get a cent." A No, sir; I got a letter from Ed Graham in which he asked me to certify that the case was all right and after I got that I told him that I could not do it, that the case was crooked. He said, "I will give you a hundred dollars," he says, "I will give you a hundred dollars," I said "no, sir." I didn't take any bill, that is I didn't set no price with him.

Q You did not say to him then what I have embraced in that question there? A No, sir.

Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.

Q You say you didn't take any bid or set any price? A No, sir; he offered me a hundred dollars.

Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not yesterday morning in the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemaker say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it?" No, sir; I says to Mr. Shoemaker, I says: "who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your ret'er;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came on fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I wont if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I wont not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you know that he did not have authority to compel you to make a statement? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go further. He said to me "I will not make this matter — I will make it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, I don't know whether he did or not. I could make a statement in confidence, and that I didn't intend to make a statement before the Court.

Q Well, that did he really, as you said just now? A Oh, he says to me the statement and then I told him—I regretted very much to do so, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q And stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or so both to that effect.

Q Now, don't you know that Mr. Hastings did not intimated to you that the statement he was making you to make would not be used?

Q Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my license would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemaker to which I before referred did you not ask him to again employ you and tell him if he could you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employed me in the last or "maybe if I had have been let on for you." Now, he offered to then I was down here last week, he offered me five dollars to go down and talk for his lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage: I knew nothing against him.

Q Now, then, you say that you were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.

Q You were present in Tahlequah? A Yes, sir.

Q How long had you been at Tahlequah? A I was living there at that time.

Q When were you first employed by them? A By Dawsons?

Q Yes, sir. A The evening before the case was tried.

Q You say that after the judgment was rendered Dawson handed you \$20? A Yes, sir.

Q And told you to hand to Duncan? A No, sir.

Q What was your statement? A That he paid me \$20 and says "I will send you some more in a short time, week or so."

Q And then he sent you \$100? A Yes, sir.

Q And wrote you to give D. W. C. Duncan \$50 of it? A Yes, sir.

Q And then sent you another \$100 and told you to give him half of it? A Yes, sir.

Q How much did they pay you? A Well, that was the agreement, was that he would pay me \$50 a family.

Q How much did he pay you? A I think there was \$250; now I am not sure about the \$50, but it appears to me like there was a \$50 sent, and Mr. Duncan asked me, as well as I remember, says "have you got a letter from Dawson," I told him "yes, sir." It was either that or the \$100, and he says "I would like to have some money", and I went to Stabler's and got it changed-- I won't be sure about it being \$50 or \$100--I went to Stabler's and got him to cash the check and give him his part of it.

Q How much did they pay you for your services? A That is all I got.

Q How much? A I think it was \$100, \$120.

Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.

Q Submitted it without remarks? A Yes, sir.

Q For that you say they paid you \$120? A Yes, sir; \$120.

Q Was Houston Benge present when that was one? A No, sir; I don't think he was.

Q Did you see him then at that time in Tahlequah? A I don't remember.

Q Were you associated with him in any manner in connection with the case? A No, sir.

Q You had a great deal of business of that character, have you in the Courts? A Yes, sir.

Q Were you paid like fees in other cases for like services? A Yes, sir.

Q In many of them? A Yes, sir, good many.

Q All like cases? A Oh, citizenship cases.

Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Bellette can remember, he was there, he was my attorney.

Q Was it about 1893? A It was somewhere along there, along in 1890 somewhere.

Q That has been your principal business as a lawyer, has it not? A Yes, sir.

Q You have never practiced such in any other way have you? A Never.

Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.

Q And he agreed to pay you \$50 a family for doing that? A Yes, sir.

Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you \$50 a family."

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemaker case didn't he? A Yes, sir.

Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemaker case? A Yes, sir; that is what I said.

Q You told him at the same time that you not only expected to claim your privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.

Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.

Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.

Q And let the Court decide? A Yes, sir.

MR. McKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.

Q In the Territory? A Yes, sir.

Q And also in the Indian Courts? A Yes, sir; do you want to see them?

J. H. W. LEWIS, being duly sworn, testified as follows on behalf of the Cherokee Nation:

EXHIBIT 111333.

Q State your name please. A J. H. Lewis.

Q James H. Lewis? A Yes, sir.

Q Where is your home? A Afton.

Q How old are you? A 21 years old.

Q What is your business? A I work at the tin business and gun work.

Q Do you know one James Dawson, the brother of P. H. Dawson and the other Dawsons? A I know old man James Dawson.

Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.

Q How long have you known him? A Well, some four or five years, I guess.

Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 odd years.

Q Well, when did he come to the country, do you know? A Along about somewhere in eighty if I recollect right, might have been later than that.

Q How did you happen to get acquainted with? A He lived right close by me and I built a house for him.

Q Did you have any conversation with him at the time you built that house? A Yes, several different times.

Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.

Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?

A Well, he told me that it cost him \$700 to get his rights.

Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

MR. McKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewhere near about 70 years old, he might have been older than that, I don't know.

Q He was a very old and feeble man? A Yes, he was old and feeble.

Q He seldom ever got out away from his house? A No, sir, only short distance.

Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.

Q What is your post office address? A Vinita.

Q How old are you? A 56.

Q Were you ever an applicant for citizenship before the Teehee citizenship Court in Tahlequah? A Yes, sir.

Q About what time was that? A September '81, I think.

Q Did you meet there about that time, one Elbert or Buck Dawson?

Yes, sir.

Q How did you happen to meet him? A He and I stopped at the same place, ran by the name of Snrbow.

Q You and he stopped there, did you, board there? A Yes, sir.

Q Well, did you have any talk about citizenship cases, yours and his? A

Yes, sir.

Q Where did he state that he was from? A Texas.

Q Well, state what you can remember of the conversation between you two time to time about citizenship in the Cherokee Nation?

A Well, we were there on the same business and we talked about it at different times, and in talking about the evidence we had there I, of course, told him how many witnesses I had and that I could prove and so on, and he said that he didn't have but one witness, Mr. Baker from Arkansas, a man that was 35 or 36 years old, he said, and he hadn't come and said he was to have sat there, but he didn't come.

Q Well, what did he say about the doctor's knowing anything?

A Well, he said he was 35 or 36 years old and didn't know straight

Q Well, did he say anything about giving him whisky?

A Well, he said he could give him four drinks of Arkansas whiskey and he could swear that black was white.

Q Did he say anything about money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money would make the law go down in Texas and he said "I come to get the law of the land" and he says "I found out it goes here," or words to that effect.

Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.

Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.

Q Well, where did he go from there? A He and I left there together; he rode to Muskogee by way of Fort Gibson and there we parted.

Q Did you ever see him after that? A I saw him about two years or something like that afterwards.

Q Where? A Vinita.

Q Did you refer to the citizenship matter? A I asked him how he came out and he said all right.

Q Was he deformed in any way this man? A He had a crippled hand or stiff finger; I don't remember just what it was now.

I. R. McKEITHEN:

Q Your first conversation with him was in '81 was it? A Yes, sir.

Q That time in '81? A September.

Q You were then an applicant for citizenship? A Yes, sir.

Q Were you admitted? A No, sir.

Q You are still an applicant? A No, sir.

Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.

Q That business are you in now? A I am running a dairy in Vinita.

Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.

Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.

Q You don't know how they found that out? A No, sir.

Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.

Q Now, did you approach him or did he approach you? A He approached me.

Q You know why? A No, sir; I suppose somebody I have told something at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have seen Mr. Hastings for years.

Q Now, you say—how was that expression about his giving Mr. Baker three or four drinks of liquor? A He said the old man; he said that Mr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straight up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.

Q Now, he said that did he? A Yes, sir.

Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.

Q You say you next saw Dawson at Vinita? A Yes, sir.

Q How long afterwards was that? A About two years, I think somewhere near that.

Q Did he move to the Territory? A Yes, sir he lived at Vinita at a time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.

Q Do you run a dairy wagon there? A No, sir.

Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.

Q Generally? No, sir.

Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Cherokee Nation:

THE INTERVIEW:

Q State your name? A C. G. Braught.

Q What is your age? A 62 29th day of last January.

Q What is your post office? A Fairland.

Q How long have you been living in the neighborhood of Fairland?

A Been living there 19 years.

Q Do you know one Bud Dawson or F. M. Dawson as his name is?

A I do.

Q How long have you known him? A About 18 years.

Q How close do you live from him? A Half a mile of him.

Q Does he still own that place? A I think he does.

Q Were you an applicant for citizenship along about '81 or '82 at Fairland? A Yes, sir.

Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.

Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations or near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him \$700 to get in; he said he paid one witness three hundred dollars.

Q Did he state the name of that witness? A No, he did not.

Q What did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.

Q Do you know what time of the year that was, whether it was in the fall or not? A I think it was in June.

Q Did he make any other statements to you at any other time?

A No, sir, I don't think he has in regards to that matter.

Q You have been living neighbors with him? A Yes, sir.

THE INTERVIEW:

Q You say this was about June of '83? A I think it was in June.

Q I don't be positive whether it was June or not.

Q You were an applicant; were you admitted? A No, sir.

Q Have you been admitted? A No, sir.

Q You are still an applicant? A Yes, sir.

Q Still trying to get in? A Yes, sir.

Q Where was this conversation had? A Had at Bud Dawson's house.

Q What part of the premises? that is, in his residence?

A Yes, sir.

Q In the house? A Yes, sir.

Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.

Q Was there more than one room? A I don't be positive but I don't think there was but one room, log house.

Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time; and part of the time we ain't.
Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty? A Yes, sir.
Q And you say that you are not on bad terms with him? A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at odds? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 3:30 o'clock to-morrow morning.)

March 19, 1902.

Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of Counsel for Applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

MR. MCKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewhere between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson? A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time? A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him? A It was in '81 or '82, I think I knew him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Flippin and Joe Pleston about his application for citizen ship in the Cherokee Nation? A Mr. Dawson and Flippins were talking in regard to grass down there before one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."

Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.

Q Who was that? A Buck Dawson.

Q Well, did anybody suggest about his going to the Cherokee Nation?

A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."

Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flipin says "Hell, I am going; brother John is getting ready to go now."

Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hookey Bell was counted the brainiest man in our country."

Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian? A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:

Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Rust County, Texas. B. F. Alberty was my guardian.

Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.

Q About what time? A It was sometime in '80 though.

Q That tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.

Q When? A I think it was in '87 or '88.

Q Haven't you been arrested for crime and charged with crime?

A Well, I didn't know that I was on trial; I have been arrested a number of times I guess from here to the Rio Grande.

Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.

MR. HASTINGS, of Counsel for Cherokee Nation:

Q Were you ever convicted? A No, sir.

Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABEART, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name, please? A Thomas B. Babeart.

Q What is your post office? A Belvin.

Q What is your age? A 49.

Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.

Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puggy Citizenship Court? A Yes, sir; I was there about the time the case was settled.

Q Did you know Aaron Butler? A Yes, sir.

Q Who was he? A He was a Cherokee Interpreter for the Court.

Q Do you know James Smith? A Yes, sir.

Q Who was he? A He was the Nation's attorney before the Court.

Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.

Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.

Q Well, did he say anything about whether he could get his case submitted if he had some more? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.

Q Well, did you let him have the ten dollars? A Yes, sir.

Q Where did they go then? A They walked off up towards town.

Q Did they go together, those three? A Yes, sir.

MR. McKEITHEN:

Q Was that James Dawson, the leading applicant in that case?

A Yes, best of my recollection that was.

Q How old was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.

Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.

Q Is he living or dead? A I don't know.

Q Where have you been living? A I have been living down here near Tahlequah.

Q That was the man's name, Dawson's name? A Jim Dawson I think.

Q You are certain of that? A Yes, sir; I am pretty certain.

Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.

Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.

Q Then did you first make a statement of this matter to anybody?

A I guess—I don't remember when.

Q How long have you been in Muskogee this time?

A I have been here since, I was summoned here last Friday.

Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.

Q Then? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was a private house.

Q Were you born a citizen? A Yes, sir.

Q You weren't admitted to citizenship by the Courts or Council?

A No, sir.

Q You have been living in the Cherokee Nation all your life?

A Well, I was born and raised here; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.

Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.

Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKennon: Applicant's object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.

Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in y young days.

Q What was your father's name? A His name was Joseph Vann.

Q Was he called by any nicknames and if so how many, and what?

A None but the Cherokees, the full-bloods called him Joe Aney.

Q That does that name mean when you talk English? A Rich Joe.

Q Did any of them call him Big Joe Vann? A I don't know;

he was a large man; larger than the other Joe Vann.

Q There was another Joe Vann? A Yes, sir.

Q Did your father have any sisters and brothers? A He had quite a number of sisters.

Q Did he have a half sister? A Had two half brothers.

Q Did he have a half sister? A Had several half sisters.

Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.

Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.

Q Never had any Rogers kin? A No, sir. I certainly would have heard of them through my family, but I know a great many of the kin-folks I never saw, but I heard of them.

Q The Dawson case was talked of here for many years, they claiming kin?

A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that I am pretty prominent enough that they never claimed kin.

Q They never claimed kin at all? A No, sir.

Q Did your father ever had a daughter by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKennon: Applicant's object to the testimony of this witness because it is wholly incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q That relationship you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.

Q Who was your father? A Samuel Wiley Dawson.

Q What did you say your father's name was? A Wiley Dawson.

Q Do you know what his full name was? A Samuel Wiley Dawson.

Q What children had your father? A Why, he had got, you mean his first children or his whole family?

Q I said all of his children? A I don't know, I will have to wait a while on them, there was nine or ten of them.

Q Just one or two of them I care for, is Mrs. Lewis your sister?

A Yes, sir.

Q Your full sister? A Yes, sir.

Q Was she a daughter of S. W. Dawson, Jr.? A Yes, sir.

Q Now who were the parents of your father, Samuel Dawson?

A My Sam Dawson was his father.

Q Sam Dawson was his father? A Yes, sir.

Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.

Q What was her given name? A Annie.

Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.

Q Sam him? Yes, sir.

Q Do you know about how old he was when he died? A He was somewhere up about 90.

Q About how old were you when your grandfather died? A I don't know exactly how old I was, I guess I have been somewhere near 12 years old when my grandfather died.

Q Was your father his youngest child? A Yes, sir.

Q Do you know about when your father was born? A Well, no, I don't, he died in '80 and he was 67 years old.

Q He died in about '80 and he was 67 years old when he died?

A Yes, sir.

Q And he was the youngest child? A Yes, sir.

Q Now, do you know how many children your grandfather had, that is brothers and sisters of your father? A I heard him say seven.

Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?

A Well, I heard my father speak about it, I don't know what I heard my grandfather say anything about it.

Q Well, what did he say about it? A I have heard him say his mother was not an Indian.

Q Did you ever hear him say anything about his citizenship?

A No, sir.

Q Was he an Indian? A I don't know.

Q Did you ever hear him say anything about the ground he expected to have? A He said his brothers had proved their rights and his brothers had say that he had, but I don't know.

Q Well, in that connection, did you ever hear him say whether his mother was an Indian or white woman? A I heard him say that his mother was a white woman in speaking of her, but I don't know whether he said anything about that or not, I don't know whether his father wasn't an Indian.

Mr. Holloman: Applying now to the testimony of this witness, being a white man, and a white man, and inconsistent.

(To be read by the stenographer: Stenographer E. E. Green.)

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

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(Continued from testimony taken by Steno. J. O. Rosson.)

March 19th, 1902, at Muskogee, I. T.

Appearances:

Mr. A. S. McKennon and Mr. Bellette, attorneys for the applicants.

Mr. W. T. Hutchings, and Mr. W. W. Hastings, attorneys for the Cherokee Nation.

ELNA BRASHIERS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A Elna Brashiers.
- Q What was your maiden name? A Elna Dawson.
- Q What was your father's name? A Samuel Piley Dawson.
- Q What was his father's name? A Samuel.
- Q What was your grandfather's name? A So far as you know from family history? A Her maiden name was Annie Pruett.
- Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Pruett? A Yes, sir.
- Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is all I was told.
- Q Did he have a sister named Mrs. Petty? A Yes, sir.
- Q And another one named Mrs. McGee? A Yes, sir.
- Q And another brother named John? A Yes, sir.
- Q What relation are you to Mrs. A. S. Lewis? A Sister.
- Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
- Q You have a distinct recollection of him? A I, yes, I can picture him, but I am small.
- Q About how old were you when your grandfather died? A About 6.
- Q Was your father's birth recorded in the family Bible? A Yes, sir.
- Q You know whether your grandfather's record of marriages and births were recorded in any Bible or not? A I was, but we haven't it.
- Q What became of it? A Got burned.
- Q Well, about what year do you remember that your father, or grandfather, was born? A I believe it was '23.
- Q Is 1823? A Yes, sir.
- Q And how old was he when he died, if you recollect? A He was between 64 and '7.
- Q Did you ever hear your father speak of his relations, his father, mother, or, as to whether they were white people or Indians?
- A Yes, sir, they were white people.

Q. You know whether in the family you grandfathers was spoken of by the name of Annie, always? A. Yes, sir.

BY MR. McKINNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. WUTCHINGS:

Q. State your name? A. Alex S. Lewis.

Q. What is your post-office? A. Dawson, Indian Territory.

Q. How old are you? A. 59 years.

Q. What was your wife's maiden name? A. Elizabeth Paralee Dawson.

Q. What was your wife's father and mother? A. Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?

Q. Well, if you know the maiden name of your wife's mother, state how you know it? A. Well she was called Margaret, Margaret Queen.

Q. Her maiden name.

Q. The maiden name now of your wife's father's mother? A. Now the maiden name of my wife's father's mother?

Q. Yes, sir? A. From what her husband and my father-in-law told

me it was Annie Pruett.

Q. What is the name of your wife's father's father? A. My wife's father-in-law on her father's side, Samuel Dawson.

Q. And his wife's maiden name was Annie Pruett? A. Yes, sir.

Q. Did you know the old patriarch, Samuel Dawson, your wife's grandfather? A. Yes, sir.

Q. Personally? A. Yes, sir.

Q. What opportunities had you to be acquainted with him? A. He lived with his youngest son, my father-in-law, and visited me, my wife and I, often, and he called, and he visited quite a while; I have seen my father-in-law and he visited very often.

Q. When did he die? A. '74.

Q. Have you any particular method of recalling that date? A. Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so then I got home, my wife had come to her father's to see her grandfather, he was sick, and I remember my wife was a baby at that time.

Q. And when was your first child born? A. He was born December, '55.

Q. You know how old your wife's father and mother died? A. They died

some in '66, but I don't remember his age.

Q. Did the old original Samuel Dawson ever tell you his age? A. Yes, sir, several times.

Q. How old was he at the time of his death? A. He was past 80.

Q. Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A. Told me she only had one brother named Bob Pruett.

Q. Have any of the members of the family saved their children after him? A. Make it a little plain, it is a little long; my wife's eldest brother was a particular favorite of his grandfather, and he took this boy with him everywhere, and he named one of his, - eldest child for his brother-in-law, the particular favorite of his grandfather; he said it for him I understood.

Q. So, what is his name? A. Of course I don't know how he named it, but he gave him the name of Robert Pruett, and I understood it was on account of his grandfather thinking of Robert Pruett.

Q. Did you ever hear the old Samuel Dawson speak of his brother-in-law? A. Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.

Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?

Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.

Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.

Q Was John Dawson the oldest boy? A Yes, sir.

Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, nee Bettie Dawson.

Q And John Dawson was the oldest boy? A Yes, sir.

Q And Samuel R. Dawson was the youngest boy? A Yes, sir.

Q You know anything about the time John Dawson was born, have you any way of coming at it, the oldest boy? A Yes, sir, I know that the oldest son and his wife told me.

Q That was that? A They said he was born in 1811.

Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.

Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know that the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.

Q That blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.

Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.

Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.

Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.

Q Now you apply for citizenship here? A Yes, sir; for my wife.

Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say

the date.

Q Before the Cherokee authorities? A Yes, sir.

Q Did he file an application before the Dawes Commission in 1906?

Q Yes, sir.

Q Yes, sir? A I don't think he did, no sir.

Q Did you? A I did.

Q On account of your wife? A Yes, sir.

Q Did you take affidavit to that application? A No, sir.

Q Who did? A I don't know, don't remember now.

Q You applied for your wife as an Indian by blood, did you not?

Q Yes, sir.

Q Are you still an applicant? A No, sir.

Q Is she? A No, sir.

Q Was she denied was she? A Yes, sir.

Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Committed on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having some trouble with the Dawson family?
A Well personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation?
A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)

BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Albert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Hollie, Wilburn, James, Real Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indexed as follows:

"No. 108, Rob. Dawson, Albert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1882."

No. 100 Robert Dawson, "et al."

vs.

Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berrivill, Arkansas, Carroll County, my age is 72 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words,) 35 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawson's grandmother on mother's side, she was frequently at my mother's house; though Mrs Anna Pruet lived in the Nation side. She claimed to be a half sister to Big Joe Mann, also claimed to be half Cherokee; in 1841 she was brought to the claimant's mother to my mother's house was the claimant's mother was about 1841, when I was a little boy she called her daughter Polly Rogers and Capt. John Rogers took her on a boat up the river was the mother of the child; I saw the girl frequently there at my mother's and where a little later. Since I saw her occasionally until I was 15 or 16 years old and I think then old Capt John Rogers took her off to school. I saw her no more from the time old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and she and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at that time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the books of record.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee country about twelve miles from Calhoun on the Arkansas River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them. Anna's were recognized where they were as Cherokees, Robt Dawson's children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the children of Anna Pruet.

Ques. 1. By what name?

Ans. 1. By the name of Anna Pruet.

Ques. 2. How long did she live?

Ans. 2. I don't know how long she lived.

Ques. 3. How long did she live?

Ans. 3. I don't know how long she lived.

Ques. 4. How long did she live?

Ans. 4. I don't know how long she lived.

Ques. 5. How long did she live?

Ans. 5. I don't know how long she lived.

Ques. 6. Just before the first death 3/4 of a mile.

Ques. 7. Was Calhoun in the Cherokee Nation?

Ans. 7. It was on both sides of the river part in the

Nation and part in the State.

Ques. 7 Which Marriage was it went to Texas?

Ans. 7 George went first then John went they were the sons of old man Marriage that lived up here near the line.

Ques. 8 Did the claimant go to Texas?

Ans. 8 No the claimant didn't go to Texas.

Ques. 9 Was the claimant was claimant and Polly Rogers?

Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.

Ques. 10 Where does claimant now live?

Ans. 10 He lives in Carroll County, Arkansas.

Ques. 11 What is your relation old Captain John Rogers was to Sam Lott Rogers here in Cooweescoowee?

Ans. 11 I don't know him but what kin I don't know there were two Capt. John Rogers in the Nation I am speaking of the time when I lived up to this 1830 Country about the year 1830.

Ques. 12 What was the maiden name of Claimant's grandmother?

Ans. 12 Yes that was her maiden name the Indians called her Sinee.

his
(signed) Arthur. A. x Baker.
mark

Witness' mark analyzed is the reason he signs by a mark thus "x".

The above document is introduced on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Tehee Court in 1883. A. Riley Dawson's step daughter a white woman married a white man, named August Kalkaka."

BY MR. FITCHES: We further introduce envelope N. 181, of F. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Harris papers referred to is applicant's attorneys.)

BY MR. McKEITHEN: I do not introduce on of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:

"No. 181. F. Dawson vs the Cherokee Nation. For his grand children. For their citizenship. Filed Sept. 14th, 1883, E. W. C. Hines, Clerk of Com. Decided Sept. 13, to be Cherokees."

The contents of said envelope are as follows:

"Office of Commission on Citizenship.

Cherokee Nation, Sept. 14, 1883.

F. Dawson.
No. 181. vs For his grand children,-
Lulu Dauthett,
Dallas Dauthett,

F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:

My name is F. M. Dawson. Am Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthet and Dallas Dauthet in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthet, the father of the Claimants, Lulu and Dallas is a white man Dauthet's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 8 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old -- She has been dead about 4 years as well as I can recollect, She was about 17 years old when she was married.

his
(signed) F. M. x Dawson, "
mark

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1903.
No. 181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, am a Cherokee live in the Cherokee Nation, am 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fawnie Dawson was their mother. Fawnie Dawson was a Cherokee, that is what I was always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I saw Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born.

My Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation. E. Dawson is Albert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fawnie, Francis, Cartenas, Zanic, Bob, Smith, Worth, Bert, Ella. All living but two, Fawnie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson,
mark

To the Commission on Citizenship,
Tahlequah, C. N. Sept. 12, 1903.
E. Dawson for grand children,
Lulu Dauthett,
Dallas Dauthett,

vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Lulu Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1883, in view of the facts ask your Hon for a speedy and favorable consideration of our claims.

(signed) E. Dawson for grand children,
By O. H. Taylor."

This last document is indorsed on back as follows:
"No. 181, Petition of Lula, Dauthett & Dallas Douthitt, for Citizenship Filed Sept 14, 1883, D. W. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. H. August 11th, 1887.

Docket No.	Names,	Age-Sex	Post Office,	Attorney
	1 S. R. Dawson,	66	Catoosa,	
	2 Parlee Dawson,	44 female		
207	3 America J. Dawson,	35 "		
	4 Katharine J. Dawson,	37 "		
	5 J. G. Dawson,	31 male		
	6 Elias F. Dawson,	29 "		Bell &
	7 Toliver Dawson,	27 "		Applicant for) Bryant.
	8 Eda Dawson,	20 female		Cherokee Nation.
	9 Fanny Dawson,	18 "		
	10 John Riley Dawson,	11 male	R.	
	11 Robert E. Dawson,	9 "		
	12 Claud Dawson,	7	Ancestor	
	13 Cleveland Dawson,	3	John Rogers	
	-- Filed August 11th, 1887."			

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said Chilsey brother of Joseph Vann, commonly known as Chick and no trace of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 28th, 1886, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"The Tehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relivent to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States," As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Journah Barber nee Journah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,
Chairman.

This April 26th, 1889.
(signed) M. L. Williams,
Clk Com'n."

(signed) R. Bunch, Commissioner,
John E. Gunter, Sec'y.

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is introduced as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1877, Ancestor, Riley Dawson, filed the 5 day of Oct. 1877, Book 1 222, Book 3 Page 116, Testimony on Journal - - Page - - - Decision of Commission. Rejected 26 day of April 1889 Rejected."

The contents of said envelope are as follows:

"E. J. Dawson, et al.,) Office Com. on Citizenship,
(vs) (Table 222, R. T. Sect. 1, 1889.
Cherokee Nation.)

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Cooweescoowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a relation of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

-CROSS EX.-

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Joe Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Joe Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me - My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Ck. Com. on Citizenship."

This document is indorsed on back as follows:

"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSIONER ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1897.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	James K. P. Dawson,		male		
2	Williar A. Dawson,				
3	Richard A. Dawson,				

919

F. H. Taylor.

vs.

Applicant for
Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Eiley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 25, 1893."

"Adverse to Claimant.

See decision in this case in the case of S. P. Dawson in Book (B) Page 30.

This April 26, 1899.

D. S. Williams,

ck. com.

Will P. Ross,

Chairman.

J. E. Carter, Secy."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book 6, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is endorsed on the back as follows:

FIG. 1. Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address 1884, 1. T., Age 48 years, 1835, to 1852, Feb. 1852 - 1852, 1852, Filed the 5 day of Oct 1887, Docket 1017 Book 3 Page 1. Testimony on Journal- Page - - Decision of Commission, Reported 28 day of August 1889. Submitted by Mr. Hanson, Nov. 10, 1889, 1889.

The contents of said envelope are as follows.

APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:

Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, to and in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully avails the time when Application shall be tried and decided, in accordance with the aforesaid law.

And, as a further proof, I call, and do call, my family with their children, attached to my family.

Respectfully,
Rebecca Dawson, Petitioner.

Witness my hand and seal, this 1st day of October, 1889.

Rebecca Dawson, Petitioner.

Witness my hand and seal, this 1st day of October, 1889.

Rebecca Dawson, Petitioner.

Witness my hand and seal, this 1st day of October, 1889.

Rebecca Dawson,

V. S.

Cherokee Nation.) The above case was called and submitted by

Rasmus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood and are not entitled to citizenship in the Cherokee Nation Post Office Emmet Texas - - I. T.

(signed) WILL P. ROSS,
Chairman,
J. E. Gunter, Com."

The judgment found in Book C, Records of Commission on citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket	No	Names	Age	Sex	Post Office	Attorney.
	1	Rebecca Dawson	48	female	Emmett,	I. T.

1017

Boudinot & R.
Applicant for
Cherokee citizenship.

Census Rolls, 1835,
to 1852.

Ancestor,
Moton.

V. S.
Cherokee Nation.

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Rasmus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to citizenship in the Cherokee Nation.

Attest:

E. G. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces the original envelope and contents in the case 100, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, page 145, - said judgment being rendered August 28th, 1889.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is inserted on back as follows:

"100, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the -- day of 8 18-- Docket 1018, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Rasmus, Aug, 28, 1889."

ATTENTION: "OR OLIVE SHIP".

Gentlemen:- The undersigned, your petitioner, this day being the 1st day of May 1948, is desirous to citizenship in the United States in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1946, granting your Commission, and respectfully takes the following steps to wit: the receipt of this application, to-wit:

That your Daughter is the Grand Daughter of one Peter who was an undersigned citizen of the Cherokee Nation, and was duly enrolled upon the Census Rolls of the Cherokee Nation, and blood, citizens of the Cherokee Nation, taken in the years 1835, -48 - 51 - 52.

The undersigned hereby represents the above facts as the full contents of this her application for Cherokee Citizenship by blood, and respectfully submits the time when her Application should be tried and decided in accordance with the aforesaid laws.

Age, 54, years; Postoffice, Bowie, Texas, family with their relations is attached in as follows:

No.	Name	Sex	Age	Relationship.
1	Walter D. Mason	M	16	Son.

In witness whereof, I hereunto set my hand on this
4 day of October 1887.

Fordham & Benson,
Attorneys.

COMMISSION OF INQUIRY,

Charlotte, Ind. Ter.,

Tallahassee, August 20th, 1889.

Mary Johnson,)
 78)
 the above-named) Application for Crooked
) Citizenship.

The above listed also having been submitted by R. F. Johnson, Attorney for Plaintiff, with no evidence, the Court ordered a trial for Rayson age 54 yrs, and her son Rayson, age 18 yrs, and her Cherokee blood, R. O. Boyle, Tex. S.

W. P. Ross,
Chairman,
J. W. Carter, Com."

Said envelope also contained the following:

APPLICATION FOR CITIZENSHIP

[illegible]

in accordance with the aforesaid law.
Age - - years; Post-office - - -; family with their relationship attached is as follows:

Names,	Sex	Age	Relationship.
Willia. A. Dawson	Male		Son.
Richard A. Dawson,	"		"

In witness of which application I hereto set my hand on this the 4th day of Oct 1887.

C. H. Taylor, Attorney." (signed) James K. P. Dawson,

The judgment as recorded in Book C, page 145, of the records of the Cherokee Commission on Citizenship, is as follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

Docket No.	Names	Age	Sex	Post Office	Attorney
1	Mary Dawson,	54	Female	Bowie, Texas.	
2	Walter Dawson,	18	Male		

Boudinot & R.
Applicant for
Cherokee Citizenship.

vs.
Cherokee Nation.

Census Rolls 1835 to 1852
Ancestor

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug 26th, 1889.

The above case having been submitted by W. F. Perkins, attorney for claimant, without evidence, the Commission decide that Mary Dawson aged 54 years, and her son Walter Dawson aged 18 years are not of Cherokee blood. Post office Bowie Texas.

Attest:

A. G. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. L. Carter, Com."

BY MR. HUTCHINGS: The Nation further introduces the original envelope in the case of Andrew J. Dawson, which said envelope contains his original application; also the judgment in that case recorded on page 30, of Book A, of the records of the Citizenship Commission of the Cherokee Nation, which said records are now in the custody of the Commission; the judgment is dated April 26th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHIEFOFFICER CITIZENSHIP, Address, Nevada, Mo. Age 44 years, -- 1835, Roll of D 35, No. 10, -- Filed the 11 day of February 1887, Racket 37, Over A Page 38 Testimony on Journal -- Page, Decision of Commission, Rejected, 26 day of April, 1889. Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

Name	Age	Sex
Andrew J. Dawson,	44 years	Male
W. F. Dawson,	16 "	"
Olive K. Dawson,	14 "	Female
William H. Dawson,	11 "	Male
Joseph K. Dawson,	9 "	"
Alonzo C. Dawson,	8 "	Female

Yours,
Charles H. Hien.

Now comes Andrew J. Dawson, and five children claiming his right to Cherokee citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same name admitted to citizenship by the Terrell Court on citizenship, which is a matter of record, we submit that as a part of the business of his claim, his ancestors will be found in the roll of 1835.

Respectfully,
A. J. Dawson,
Five children,
W. F. H. Taylor,
Attorney.

The following is a list of the names of the persons who are now in possession of the Cherokee Commission on Citizenship, 1887.

Andrew J. Dawson.

Office Commission on Citizenship,

Tahlequah, I. T., Nov 11, 1887.

Name	Age	Sex
Andrew J. Dawson,	44 years	Male
W. F. Dawson,	16 "	"
Olive K. Dawson,	14 "	Female
William H. Dawson,	11 "	Male
Joseph K. Dawson,	9 "	"
Alonzo C. Dawson,	8 "	Female

Yours,
Charles H. Hien.

Filed Feby 11, 1897.

Ancestors,

Adverse.

See decision in this case in that of L. E. Dawson,
Book P. 20.
rendered April 26- 1889.

D. S. Williams,
Clk Com."

BY MR. HUTCHINGS: We next desire to introduce the records
in the case of this same Andrew J. Dawson, before the
Commission to the Five Civilized Tribes, filed September 11th,
1896, and the judgment of the Commission thereon. Number of
said case being 4,094. And the judgment of said case on page
294, Book B., Dawes Commission Record, 1896. Judgment was
rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because
the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before
James Commission, 1896, in Andrew J. Dawson, et al., are as
follows:

Registry Receipt,

Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind. Terr.,
Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed
to S. F. Hayes, Tahlequah, I. T., (signed) P. A. Trayser,
A.-P. O.

Commission to the Five Civilized Tribes,

Vinita, Ind. Terr., Sept. 7, 1896.

See what you send to your petition.

Evidence of service of copies of Chief of Commission
or be secured as follows: If convenient get his receipt to
show with your papers. If you cannot do this, register to
have some interested person to take it with in form
and as follows:

I, S. F. Davidson, do solemnly swear that on the 7th day
of September, 1896, I saw a package registered at the Post
office at Vinita, Indian Territory, addressed to Hon. S. F.
Hayes, Chief of the Cherokee Nation, Tahlequah, Ind. Terr., and
registry receipt no. 409, received from postmaster, I have
attached, is a receipt for said package, which contains two
copies of the application of Andrew J. Dawson, et al., of the
affidavits of E. Dawson and F. E. Dawson in said case.
(signed) S. F. Davidson.

Subscribed and sworn to before me, at Vinita, Ind. Terr., Sep-
tember, 1896.
(seal)

Notary Public, S. F. Davidson,

Notary Public, First Judicial District,
of the Indian Territory.

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly accepted for by the Clerks and Governors.

xxx

For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald C. McKimmon, Thomas B. Cabanis and Alexander E. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson, William H. T. Dawson-Jones-H., (line in ink drawn through these names) and others on behalf of Lemmie H. T. Dawson, Olive Dale Dawson, William H. T. Dawson, Jesse K. Dawson, Alex Dale Dawson, James K. P. Dawson, William A. Dawson, Harriet E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the lands and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, coming from the said John Chapman John Rogers, Polly Rogers, daughter of Captain John Rogers, married Samuel Dawson, the same will be found on the authenticated rolls of the Cherokee Nation, taken in the years 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 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3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3580, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3599, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634, 3635, 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3675, 3676, 3677, 3678, 3679, 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690, 3691, 3692, 3693, 3694, 3695, 3696, 3697, 3698, 3699, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3712, 3713, 3714, 3715, 3716, 3717, 3718, 3719, 3720, 3721, 3722, 3723, 3724, 3725, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3735, 3736, 3737, 3738, 3739, 3740, 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757, 3758, 3759, 3760, 3761, 3762, 3763, 3764, 3765, 3766, 3767, 3768, 3769, 3770, 3771, 3772, 3773, 3774, 3775, 3776, 3777

Read on back as follows:

United States of America,
Indian Territory,
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn at test that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,
Subscribed and sworn to before me on this the 3rd day of
September 1896.

(signed) J. A. Tillotson,
(Seal) Notary Public.
My Commission expires June 8" 1899.

Indian Territory,)
Northern Judicial Dis- (SS.
State

Andrew J. Dawson, of lawful age, being duly sworn on oath says that he is 52 years old that his present address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Mississippi river while emigrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his grandfather and grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1842. It follows: An act of the Council of 1842 page 66, of act of Nov. 17" 1843, page 98. also an act of Nov. 16 1849 page 104.

Affidavit further says that he is a blood relation of E. Dawson, F. J. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson,
Subscribed and sworn to before me this 3" day of September
A. D. 1896.

(signed) J. A. Tillotson,
(Seal) Notary Public.
My Commission expires June 8" 1899."

Indian Territory,)
Northern Judicial Dist.) S.S.
)

F. E. Dawson, of lawful age, being duly sworn on oath says that he is 54 years old; that his present office address is Afton, Indian Territory, Affidavit further says that he has known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a citizen of the Nation, he claims to have originated from the same blood as Joe Rogers and he was a brother of Robert Dawson of Cherokee and he is an offspring of Sam. Dawson, who married Polly Rogers, daughter of Captain John Rogers, who was a citizen of the Cherokee Nation.

his
(signed) F. M. x Dawson
Mark

Subscribed and sworn to before me this the 4th day of Sept
1896."

(signed) Frank L. Sharp
Notary Public. (Seal)"

"Ind Ter
Northern Dist

This affidavit was this 4th day of Sept 1896
by F. Dawson of this Dist in the Cherokee Nation
I have known A. J. Dawson 10 years and have known him and
recognized him as a Cherokee Ind and a cousin of mine,
he claims to originate from the land of John Dawson and he
was a son of John Dawson and a daughter of Sam
Dawson who was (born in 1830 and was married
Lollie Egert a daughter of C. J. Egert who was a
recognized Cherokee Ind.

Subscribed and sworn to before me this the 4th day of Sept 1896.

My commission expires June 1, 1900.
(seal)"
Indorsed on back: "No. 1896, A. J. Dawson vs Cherokee Nation
filed Sept 7-1896 A. S. McKinnon, Clerk"

Before the Honorable Henry S. Brown, Frank C. Armstrong, A. S.
McKinnon, T. B. Gabanisc, A. R. Longmeyer, Commissioners.
In the matter of the application of
Andrew J. Dawson,
Nation's No.
Commissioner's No.

for citizenship in the Cherokee Nation.
Your respondent, S. H. Mayes, Principal Chief of
the Cherokee Nation, comes now and demurs the said application,
and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the
parties or subject matter of this controversy.
2nd. That the application does not state facts sufficient
if true, to show that the applicant is entitled to
citizenship.

Respondent not waiving his aforesaid demurrer, but
insisting upon the same for answer to said application, says
that John Rogers through whom the petitioner claims to derive
right to citizenship in the Cherokee Nation, is not now, - - -
and has not been a citizen of the Cherokee Nation, since
the removal of said Nation, and to the said Rogers, as
at present located and defined, that no one does not appear
or any of the antecessors of said Rogers, that neither
nor any of his ancestors were ever, or are now, residing in
the Cherokee Nation, and that the said Rogers is not a
citizen thereof.

See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Hayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Moudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,
Subscribed and sworn to before me this 5 d of Oct 1890.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679.
Commissioner's No. 4694, In re application of Andrew J. Benson,
PETITIONER AND ANSWER. Filed Oct 21 H. M. Jacobway, Sec."

The foregoing documents, comprising the 1890 papers
as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Benson, and heirs, Cherokee,
9-7-90. Rejected."

Which envelope is inclosed in jacket, marked "No. 4694."

BY MR. HUTCHINGS: Now we desire to introduce the records in
the case of Joanna Barber, et al., No. 1864, the United States
Court number being 90, and the Nation desires to call especial
attention to the testimony of F. C. Rogers and Sarah Carter
as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because
it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof here-
with filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald
S. McKennon, Thomas W. Cahaniss and Alexander B. Montgomery,
United States Commissioners, authorized by an act of Congress
of June 4, 1890, to hear and determine claims for citizenship
in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joanna Barber,
for and on behalf of himself and heirs, this day makes this
their application to you for the purpose of being placed on the
revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of law in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. R. Johnson, F. A. Dawson & F. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,
(signed) Joannah Barber.

Enrollment of family, with relationship attached, as follows:

Names	Age	Relationship
Joannah Barber,	60	Daughter of Elizabeth or Betty
Isaac J. " Husband	65	Petty, nee Dawson, who was a
Chris E. "	26	daughter of Polly Dawson, nee
W. R. "	24	Rogers who was a daughter of
James E. "	18	Capt Jno Rogers and Alley Rogers
Johnny "	8	nee Vane a Cherokee Indian by
Joel A. Barber	50	blood as is shown by proof here-
		with file.

In witness whereof, I have signed and sealed this document at August 1896.

(signed) Joannah Barber.

Indorsed as follows: "F. A. Dawson, S. R. Johnson, F. M. Dawson, E. Dawson, Joannah Barber for and on behalf of said claimants."

TO THE HONORABLE HENRY L. DAVIS AND OTHERS COMMISSIONERS OF THE CIVIL SERVICE TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joannah Barber, do hereby state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood, born in Garfield County, State of Ark. on the 8th of Dec 1830. Her father's name was John Petty. My mother's name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 18 years. And she aver and prove that she established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submits to the consideration of the Honorable Commission her proof and on the hearing she requests that she be adjudged a citizen of such Nation and her name be placed upon the proper roll as a citizen of such Nation.

(signed) Joannah Barber.

INDIAN TERRITORY,
(SS
FIRST JUDICIAL DISTRICT)

Now on this 1st day of August 1896, before me, W. J. Kattie a Notary Public in and for the State of Texas, Joannah Barber, the claimant, duly sworn, deposes and states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(Seal)" (signed) W. J. Watts,
Notary Public.

"(COPY)

In the matter of the claim of Joannah Barber nee Joannah Petty to Cherokee Indian Citizenship in the Cherokee Nation, Indian Territory.

Affidavit of S. R. Dawson.

Delaware District,
Cherokee Nation,
First Judicial Division,
U.S. Court, Indian Territory. } SS

S. R. Dawson, to me well known to be reliable and respectable, after being duly sworn according to law states on oath, that he is a bona-fide citizen of the Cherokee Nation by blood- that he is a resident of said Nation- that his post-office address is Afton, I. T.: that he is fifty-one years of age- that he is well acquainted with the claimant Joannah Barber and has as long as he has known any person- that she is of Cherokee Indian descent- that her maiden name was Joannah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of Polly Rogers, a person of Cherokee Indian descent, who intermarried with Samuel Dawson, a white man- that he said Polly Rogers was the daughter of Captain John Rogers and Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the result of this application.

(Impress of National Seal) (signed) S. R. Dawson,

Subscribed & Sworn to before Jany 6 1892

(signed) T. C. Hubbard,
Notary Public."

United States of America,
Indian Territory, (ss
First Judicial Division.

I, William F. Adams, a Notary Public within and for the Judicial Division aforesaid, do hereby certify that the next above in the within one page of an affidavit is a true and literal copy of the original as presented to me at Tulequah, Ind. Territory, this the Third day of July A.D. 1893.

(signed) William F. Adams,
Notary Public, First Judicial Division, Indian Territory.
(Seal) My Commission expires Feb'y 3, 1897."

(A copy)

In the matter of the claim of Joannah Barber (nee Joannah Petty)

to Cherokee Indian citizen in the Cherokee Nation,
Ind. Ter.

Affidavit of E. Hanson,
Coconino District,
Cherokee Nation,
First Judicial Division,
U. S. Court, Ind. Ter.

E. Hanson, to me well known to be reliable
and responsible after being duly sworn according to law at the
oath that he is a Bonified citizen of the Cherokee Nation
by blood- that he is a resident in said Nation that his post
office address is Tahala, Ind. Ter.-that he is 38 years of age-
that he is well acquainted with the claimant Joannah Barker and
has been as long as he has known any person- that she is a
woman of Cherokee Indian descent the her maiden name was
Joannah Petty- that she was the daughter of one Elizabeth
Petty, a person of Cherokee Indian descent- that Elizabeth
Petty's maiden name was Elizabeth Hanson- that said Elizabeth
Hanson was the daughter of one Polly Fox, a wife of one
Cherokee descent, who intermarried with Samuel Fox, a white
man, that the said Polly Fox was the daughter of one John
John Fox, a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the
result of this application.

(signed) E. Hanson.

Subscribed and sworn to before me this 28th day of February 1897

(signed) A. H. Williams,

Notary Public.

(Imprint of
National Seal
Here.)

Ind. Exrs. Sept. 26/96.

United States of America,
Indian Territory,
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the
First Judicial Division, Indian Territory, do hereby certify
that the next above and the within one page of an affidavit
is a true and literal copy of the original presented to me at
Tahlequah, Ind. Ter. this 28th day of July 1897.

(signed) Wm. F. Rasmus.

(Seal) Notary Public, First Judicial Division, Indian Terri-
tory, My Commission Expires February 3, 1897.)

United States of America,
Western District of Arkansas.

In the case of one Joannah Barker claimant for citizenship
in the Cherokee Nation, Indian Territory, as a Cherokee Indian
of blood, before Cherokee Indian authority at Tahlequah,
Cherokee Nation, Indian Territory.

Personally came this 28th day of February 1897, William F. Rasmus, a
commissioner U. S. Court within and for the District of Arkansas
duly authorized to administer to E. Hanson, to be person-
ally well known to be reputable and entitled to credit, and
who being, by me first duly sworn according to law, depose and

and says: My name is W. A. Dawson, my age is 32; years; my post-office address Tulsa, Ind. Terr. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joannah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and who was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- she was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having a son and only brother to said James Dawson- that therefore the said claimant, Joannah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognized and acknowledged her.

(signed) W. A. Dawson.

Subscribed and sworn to before me at Tallahassee, Ind. Terr. this third day of December A.D. 1904.

(seal) W. A. Dawson,
United States Commissioner."

"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the case of Joannah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian a clerk at Tallahassee, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Hays, a Commissioner of the U. S. Dist. Court within and for the District also engaged duly authorized to administer oaths Francis M. Dawson, to be made personally well known to be reputable and entitled to - - a d who - - duly sworn according to law deposes and says: My name is Francis M. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terr, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joannah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joannah Barber to me as first cousin- and I know that the said Joannah Barber therefore is of Cherokee Indian blood.

(signed) F. M. Dawson.

Subscribed and sworn to before me at Tallahassee, Ind. Terr. this 17th day of November A.D. 1905.

(seal)

(signed) W. A. Dawson,
United States Commissioner."

Indorsed on back as follows: "No. 1 Filed Feb 24 1907, J. S. A. Winston, Clerk."

"Page 2, Pocket "5"

Joa Mah Barber.

Office Commission on Citizenship.

Tahlequah, C. N. August, 1887.

Locket. No.	Names	Age.	Sex.	Post Office.	Att.
1	Joannah Barber	51	female	Vinita, I. T.	
2	Ailey J. Barber	34	female		
3	Irena Barber	24	female		
4	Emma Barber	22	female		
5	Atta Barber	20	female		
6	Mary Barber	13	female	applicant for	
7	Onice Barber	17	female	Cherokee citizen ship	
8	Joel Barber	31	male	Polls 1835	
9	Calvary Barber	23	male		
10	Foliver Barber	10	male	Ancestor	
11	Piley Barber	15	male		
12	Elmer Barber	9	male		
	V. S.			John Rogers &	
	Filed April 13, 1897.			Alex. Bryant	

See decision this case in favor of L. F. Denson.
adverse to claimant in this No 10 page 56.
This April 26th, 1909.

D. C. Williams,
Clerk 201.

Will. P. Ross, Chairman,
J. H. Carter, Cor."

"S. I. DAWSON.

Office Commission on Discrimination.

Table 100, J. N. Aug. 11th, 1897.

Locket.	No.	Names.	Age.	Sex.	Post Office	Ator.
	1	S. E. Lawson,	66		Jatocosa, I. T.	
	2	Parley Dutton,	44	female		
	3	Americus J. Lawson,	35	female		
	4	Katherine J. "	35	female		
	5	J. C. Dawson,	31	male		
	6	Elias F. Dawson,	28	male		
	7	Tolliver Dawson,	27	male	Applicant for	
	8	Wynia Dawson,	20	female	Cherokee	
	9	Timothy Dawson,	18	female	Nation	
	10	John Miller Dawson,	11	male		
	11	Robert L. Dawson,	9	male		
	12	Clara Dawson,	5	female		
	13	Cleveland Dawson,	5	male	Applicant	

Filed Aug. 11, 1907. John Peters
 Deputy Marshal, I. T.

[illegible]

Chilsey Bennett died before said application, and their names could appear as living at the time, and specified in the 4th section of the Act of December 31st, 1886, providing for admission on citizenship were made, but in support of the application it is urged that certain members of the Benson family the full brothers of the applicant are admitted to citizenship by the Commission on citizenship not only known as the "Tehoe Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the consideration which determined the decisions of these Commissions or the testimony now introduced to authorize the admission of the present applicant is not material to the issue now pending. The 7th section of the Act of December 31st, 1886, before me provided that the Commission is not to admit any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of the United States, or the United States, or hereafter enumerated, under the name of the applicant or that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel E. Benson and family are not entitled to re-admission of citizenship in the Cherokee Nation on Cherokee blood. This opinion includes the case of Andrew J. Benson, James H. P. Benson, Jonathan Baker, now Jonathan Benson, and Jane Queen, now Jane Benson and their families as enumerated in their respective applications.

Will. P. House, Attorney,
T. Bunch, Commissioner,
This April 26th, 1889, John E. Carter, Commissioner.
H. S. Williams, Clerk Secy."

United States of America,)
Indian Territory,) ss.
Circuit District.

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skiatook, Ind. Terr. and he was born and raised in the State of Ohio and Territory; and he is 46 years of age.

Affiant further states that he is slightly acquainted with Emma J. House, an applicant for admission to citizenship in the Cherokee Nation on her own or copy of her application.

Affiant further states that his father's name was Charles Rogers - he was a son of Captain Jonathan Rogers and the said Capt. Jonathan Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers was killed by the other lives at Grand Saline, I. T. and died in 1840, A. D.

This affiant states that he has no other relatives in the Cherokee Nation than his mother Mrs. Jonathan Rogers, Emma House, George Rogers, Nelson Rogers, and all of them are living; that he (this affiant) never saw or heard of any other relatives of the said Rogers - except Emma and Jonathan Rogers, who were killed with this affiant's father in 1840.

This affiant at that time was 34 years of age, when his father, Charlie Rogers died, that his father never had any other family (like in ink drawn through word family) brothers or sisters than the ones above mentioned; that the said Polly Rogers named in the application for citizenship of Irene J. House, was not a sister of his father; that his father never had but one sister viz. Cynthia Rogers that this affiant ever heard of; that this affiant was well acquainted with his aunt Cynthia Crump-

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF

CHEROKEE NATION. I, John L. Adair, Executive Secretary of the Cherokee Nation, do hereby certify that I have compared the foregoing with the original record in this Department, and that the same are correct copies and transcripts thereof.

In witness whereof I have hereunto set my hand and placed the Great Seal of said Cherokee Nation, at Tahlequah, this, the 5th day of Feb. 1900.

(Seal) (signed) John L. Adair,
Executive Secretary."

Then the above affidavit continues:

"(nee) Rogers that she lived with this affiant's father for a number of years prior to her death.

Affiant states that he has often talked with his father, Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about his relatives; that they never spoke of any other sisters in their family; that this affiant was about 10 years old when his aunt, Cynthia Crump died; that they told him there never was (nor is "never was" marked over with ink) father never had any other daughter or daughter other than Cynthia Rogers.

Affiant states that his father told him a number of times, that this affiant's grandfather Capt John Rogers never had any other family other than the one above mentioned; that this affiant never heard his father Charlie Rogers or any of his relatives speak of his grandfather Capt John Rogers owning or running a boat up any river.

Affiant states his father Charlie Rogers was born on Big Mulberry, South-east of Van Buren, Arkansas, in the year of 1817.

Further affiant saith not.

W. J. Rogers.

Subscribed and sworn to before me on this the first day of October, 1900.

(signed) William H. Hall,
Notary Public,

(Seal) My Comm. expires January 16th, 1901."

United States of America,)
Indian Territory,) SS
Northern District.)

Mrs. Sarah Rogers being first duly sworn states: that she is the wife of the late Charles Rogers, Cherokee Nation, Ind. Terr. and her last place of residence is Chicago, I. T., and she is 65 years of age.

Adrian states that she is the daughter of Charles Rogers; that her grand father on her father's side was Capt John Rogers. Adrian further states that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and knows the contents thereof; that the facts therein set forth are true as she verily believes.

(signed) Sarah J. Rogers.

Subscribed and sworn to before me this 10th day of October, 1900.

William H. Hall,

Notary Public,

Commission expires January 10th 1901.

Wherefore the Honorable Henry L. Hayes, Frank C. Armstrong, A. S. McKenyon, T. B. - (have taken off) A. T. Montgomery, Commissioners.

In the matter of the application of John A. Barber for admission to the Cherokee Nation.

Your respondent, S. T. Jones, Principal Chief of the Cherokee Nation, comes now to demand the said application, and to demand the following:

1st. That the Commission has no jurisdiction over the lands or subject matter of this controversy, and has no legal right, therefore, to hear and determine the same.

2nd. That the application of John A. Barber is insufficient, inasmuch as the facts and circumstances are not stated to the satisfaction of the Commission.

Respondent now wishes to demand the said application, but including upon the same for the said application, says that John A. Barber, through whom the petitioners claim to derive their right of citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, from the Indian Territory as it was then located and defined; that his name does not appear upon any of the authentic records of said Nation; that neither he nor any of his ancestors have ever lived upon any land within the Cherokee Nation and Indian Territory, as defined therein.

Having fully answered your respondent's demand to be sworn to the following:

S. T. Jones, Principal Chief of the Cherokee Nation.

Respectfully, Bartlett, Jr., Attorney.

John A. Barber, Executive of the Cherokee Nation, having been duly sworn, and the same being the only person in the Cherokee Nation who has been sworn to the following:

(signed) John A. Barber,
Executive of the Cherokee Nation, 1900.
(signed) S. T. Jones,
Principal Chief.

Indorse on back as follows: "1894 96 Nation's No. 1577, Commission's No..... In re application of No 3 Joanna Barber Deurrer and Answer Filed Mar 13 1897 Jas. A. Winston, Clerk/ Filed Oct 7 1896 H. H. Jacobway, Secy."

"BRIEF.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

duly appointed and empowered to Act, under and by virtue of the Act of Congress of June 4" 1896, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Edie E. Barber, William I. Barber, James E. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Lottie Barber, Toliver Barber, George A. Barber, Frankie G. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for citizenship in the Cherokee Nation of Mary A. Barber and her child, to-wit: Inez Barber.

In the matter of the application for citizenship in the Cherokee Nation of Edna L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for citizenship in the Cherokee Nation of Edna Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Rhenby Moore and Gladys Moore.

In the matter of the application for citizenship in the Cherokee Nation of Attie L. Hunt and her child, to-wit: Berman Hunt.

In the matter of the application for citizenship in the Cherokee Nation of Alcey J. Smart and her children, to-wit: Georgia A. Smart and Eray L. Smart.

In the matter of the application for citizenship in the Cherokee Nation of Joanna J. Garlinghouse and her children, to-wit: Myrtle G. Garlinghouse, Cora L. Garlinghouse and Virginia J. Garlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the claims of the aforesaid claimants, we deem it necessary to present to the Honorable Commission, the names of persons who claim to be, to-wit:

Joanna Barber, whose maiden name was Joanna Petty, is a daughter of Elizabeth Petty, nee Barker, and a granddaughter of Polly Dawson, nee Rogers. She is the daughter of John J. Barber, who was a Cherokee Indian. She claims to be a member of the tribe and her in addition.

Joel A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Barber, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Ella Murtry, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the proof herein submitted.

Freda Moore, whose maiden name was Freda Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Garlinghouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, together with the names of their aforementioned children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Garfield & Watts,
Council for Petitioners."

Indorsed on back as follows: "No 3 Filed Feb 24 1897,
Jas. A. Winston, Clerk."

Commissioners,
Henry L. Daves, Frank C. Armstrong, Archibald S. McKennon,
Thomas B. Cabaniss, Alexander B. Montgomery--H. H. Jacoway,
Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct 2, 1896.
Filed Sept. 3, Answer Filed,
Application denied.
Joaquin Barber,
vs.
Cherokee Nation.

I, H. H. Jacoway, Jr., Secretary, do hereby certify that
the above and foregoing is a true and correct copy of Cherokee
Reord A. page 297 of the Commission to the Five Civilized
Tribes.

Given under my hand and official signature this 12
day of Feb. 1897.

H. H. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897
Jas. A. Winston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED
TRIBES.

Joaquin Barber et al,
vs.
Cherokee Nation.

No. 1864.

AFFIDAVIT FOR APPEAL.

That as the said Joaquin Barber et al applicants for citizen-
ship in this case by W. B. Watts, one of their attorneys,
and pray an appeal from the decision of the Honorable
Commission to the United States District Court as provided
by Act of Congress approved June 10th, 1896.

And the said W. B. Watts, being duly sworn and stating
on behalf of said applicants and that the appeal prayed for
in this case is not asked for the purpose of delay and that
justice can be done the applicants.

(signed) W. B. Watts,
Subscribed and sworn to before me this 22nd day of December
1896.

(signed) J. C. Lindsey,
Notary Public.
My Commission expires March 20th 1897."

Indorsed: "Court No."

"Received of H. I. Macoway, Jr., Secretary of the Commission to the Five Civilized Tribes, the original papers, in the case of
- - - - - vs - - - - - Nation, as follows:

Witness my hand and official seal at Muskogee this the 22 day
of Feb'y 1897.
(SEAL) (signed) J. Q. Winston, Clk."

Indorsement: "Court No. 1864. receipt for original papers
in the case of Joanna Barber et al vs. Cherokee Nation.
Received and filed this . . . day of . . . 189. . . Secretary."

IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY,
NORTHWEST JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

JOANNA BARBER Onis E. Barber, William H. Barber, James
H. Barber, Annie Barber, Joel A. Barber, Mary A. Barber,
Elizabeth, Alice L. Hunt, Alcey J. Smart, APPELLANTS.

CHEROKEE NATION,

APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION
TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause
and petition the Court to grant an appeal in said cause from
a decision of the Commission, known as the Dawes Commission,
created and empowered to treat with the Five Civilized Tribes
of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw,
and Seminole Indians, and to pass upon and decide applications
for citizenship in the said Five Civilized Tribes, which
decision of said Commission was rendered by authority of, but
not in accordance with, an Act of Congress passed and approved
June 10th, 1896, and by which decision on the 29 day of
October, 1896 the aforesaid appellants were denied their
rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their
rights to citizenship in the Cherokee Nation, as aforesaid are
as follows: to-wit: The affidavits of E. Dawson, S. B. Dawson
W. A. Dawson, E. R. Dawson.

Said affidavits fully and conclusively establishing the
fact that said applicants are Cherokee Indians,
by blood and descent, and entitled to rights of citizenship
in the Cherokee Nation.

Said affidavits, together with the application, of said
appellants, were, prior to September the 10th, 1896, filed
with and admitted to said Commission for its investigation,
consideration and decision.

The original and true copy of said application, together with
the aforesaid affidavits, were served upon the Chief, or
Attorney General, of said Cherokee Nation, prior to September
the 10th, 1896.

The errors of the Commission in respect to the claims for
citizenship of said appellants are the grounds for appeal
to this court, to-wit:

NOT RECORDED
NOT AVAILABLE

FIRST. The Commission erred in receiving its testimony of said claims adversely to the appellants in regard to the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying the same, the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answers filed by the appellee and denying the appellants the right of filing a petition to a appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the laws and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claim before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons whose names were not reported to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the location of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the reasons upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELVE. That the Act of Congress approved June the 18th, 1890, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by an act to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Therefore, the appellants of this cause pray that an appeal be granted to this Court, that a writ, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in this cause to this Court, and that the Cherokee Nation, the said appellants, be allowed a new trial.

at this Court and plead and defend against the appeal. Show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pary.

(signed)

W. B. Watts,
A. H. Garland,
W. J. Watts,
Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 99 No. 5
Joanna Barber et al vs Cherokee Nation Filed Dec 3 1896
Jas A Winston clerk Watts, Garland & Watts, Attorneys for
Appellants."

"SUMMONS.

United States of America,) ss.
Indian Territory,)
Northern District.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 189-- a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Chris E. Barber, W. B. Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, E. A Moore, Attie L. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 24th day of Dec. 1896 A.D. 189--

(signed) J. A. Winston, Clerk.

(SEAL)"

"MARSHAL'S RETURN.

I received this summons the 23rd day of December A.D. 1896 and served the same as follows: W. T. Hutchings, Attorney for Cherokee Nation after Accepted Service on the within at Muskogee, Ind Ter on this 22nd day of January 1897

(signed) W. B. Watts

U. S. Marshal

By Deputy."

Informant on back as follows: "Citizenship Case No. 101 of No. 6... Nation..., Citizens....Atkins & Gladstone."

"Joanna Barber et al.
vs. No. 90.
Cherokee Nation.

Mr. H. A. Gibson, Special Master, to whom this case was referred, submit the following report:

"IN THE UNITED STATES COURT IN THE TERRITORY OF INDIAN,
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL.)

-VS-

: HONORABLE REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.)

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I, H. A. Gibson, Special Master herein, show that, upon examination of the papers in this case, I have examined the record of the Cherokee Nation, which is hereto attached and made a part hereof, and find the following:

I

This case arises from an application filed on September 10th, 1908, before the Dawes Commission to the Five Civilized Tribes, by Joanna Barber, and Isaac J. Barber, her husband, and their children, Orie E., William E., James E., Johnnie and Joel A. Barber. That Joel A. Barber has the following children: Mattie Toliver, George A., Frankie G., Jesse and Ethel Barber. That the application includes also Mary A. Barber and her child Inez Barber, Emma L. Murphy and her child Glad Murphy, Emma Moore and her children Anna J., Jackson B., Mary and Gladys, Attie L. Hunt and her child Loretta Hunt, Alvey J. Smart and her children Georgia A. and Erney L. Smart, Joana J. Garlinhouse and her children Myrtle C., Cora L. and Bertha V. Garlinhouse. That this application was by the Commission tried and rejected on October 20th, 1908, with no reasons given for the decision, and that subsequently on October 27, 1908, the claimants appealed to this court. That all parties all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to citizenship in the Cherokee Nation by reason of their descent from Polly Rogers, who is claimed to be a Cherokee Indian by blood. That it is filed in support of their application the affidavits of H. B. Dawson, H. Dawson, Francis E. Dawson, and H. A. Dawson, who testify that Joanna Barber is the daughter of Elizabeth Rogers, nee Dawson, and is the mother of Polly Rogers, who was one of the white captives of the Creek Indians, and that Polly Rogers was the mother of certain John Rogers and Alvey Vann. That the claimants are all of Cherokee citizenship by blood, and are entitled to

claimants, and according to their testimony, related to them by blood.

The agent introduces to controvert this testimony the decision of the Cherokee Commission on citizenship, rendered in the year 1897, in which these claimants were rejected by this Commission and also the affidavits of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants state that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, are entitled to be enrolled in the Cherokee Nation as citizens by blood, and that they contend that John Rogers, through whom they claim to be related to the Cherokee Nation, was a citizen of the Cherokee Nation since the removal west; that his name does not appear on the rolls of the Cherokee Nation, and that he and his immediate family ever resided in the Cherokee Nation after removal west.

The evidence considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestor through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a complete list of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1837, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services here in as Special Master.

Respectfully submitted this 16 day of August, 1897.

(Signed) W. A. Gibson,
SPECIAL MASTER.

W. A. Gibson.

Be "Exceptional Case."

W. A. Gibson.

The Court finds that it appears that the claimants have their right to be enrolled as citizens of the Cherokee Nation upon the ground that they are the descendants of a Cherokee Indian by blood, and their ancestors through whom they claim have never been enrolled in the Cherokee Nation as citizens. It appears that they have resided in the Cherokee Nation since 1837, and probably longer, though the proof does not state definitely how long they have so resided. It does not appear that the claimants or any of their ancestors have ever been enrolled as citizens of the Cherokee Nation.

The judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "90 No. 7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, filed August 17, 1897, Jas A. Winston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "90 Joanna Barber et vs Cherokee Nation."

"NOTICE.

90

UNITED STATES OF AMERICA) In the United States Court for
INDIAN TERRITORY (SS said District.
NORTHERN DISTRICT.) In the matter of the application
of Joanna Barber et al to be
enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the evidence made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable Willard H. Springer, Judge of said Court, and the seal thereof, Muskogee, Indian Territory, the 27 day of Dec. 1896. A.D. 189--.

(SEAL) (signed) J. A. Winston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

BY MR. HUTCHINSON:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1896, the court number of same being, 230. said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case I desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Mr. Baker in the case of Robert Lawson against the Nation, number 110, before the citizenship Commission, and which was made January 10, 1892.

BY MR. McKEOWN: To all of which the applicant objects, because the same is immaterial, irrelevant and incompetent.

The papers in Court No. 238, just introduced above, are as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1932.
No. 108.
Robert Dawson et al) Exhibit C.
vs ()
Cherokee Nation.)

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testifies as follows:

My name is Arthur A. Baker I reside at Berryville Arkansas Carroll County. I am 75 years I am not a Cherokee. I lived in the Cherokee Nation about three years. When I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some 35 years - At my Mother's house near Calhoun I became acquainted with the claimants Robt Dawson grandfather on mother's side she was frequently at my Mother's house then she Anna Pruitt lived in the Nation side; she claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee. The first time she brought the claimants mother to my Mother's house she the Mother's Mother was about 18 years old at this time. She called her daughter Polly Rogers, said certain John Rogers who ran a boat up the River was the father of the child; I saw the girl frequently there at my Mother's and there at Louis Passes Store.

I saw her occasionally until I was 15 or 16 years of age and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I started all right to go to school and I had a talk over our old matters and I said she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt. John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruitt and I know she claimed to be the son of Polly Dawson.

Capt. Rogers then resided in the Cherokee Country about twenty (Word "twenty" spelled through) twelve miles below Calhoun on the Hiwassee River. Anna Pruitt resided in the Cherokee Nation as long as I stayed there the Dawson when I got acquainted with them. Anna's sons were recognized where they were as Cherokees. Robert's older children is Jack, John, Marian and two girls. The child named in the petition I recognized as being the child.

Question by Solicitor:

- Q. 1 How many children did you have?
A. 1 Five I think.
Q. 2 How many of them were married?
A. 2 Three of them were married.
Q. 3 Could Anna Pruitt have been a Cherokee?
A. 3 Yes, she might have been.

Ques 4 Did Polly Rogers speak Cherokee?
 Ans. 4 She did when she was young.
 Ques 5 How far did you live from Augusta?
 Ans. 5 Just across the river about 3/4 of a mile.
 Ques 6 Was Talhoun in the Cherokee Nation?
 Ans. 6 It was on both sides of the river part in the Nation and part out in the state.
 Ques 7 When Harnage was it went to Texas?
 7 George went first, then John went, they were the sons of old Man Harnage, that lived up near the line.
 Ques 8 And the claimant go to Texas?
 Ans. 8 No the claimant did not go to Texas.
 9 What connection was claimant and Polly Rogers?
 9 The claimant is the son of Polly Rogers.
 10 Where does claimant now live?
 10 He lives in Carroll Co Arkansas.
 11 How long has relation old Capt John Rogers was to Talhoun?
 11 I never lived in but that kin I dont know there were two John Rogers in the Nation I am speaking of the one that first came to this country about the year 1800.
 12 What was the name of the maiden more of claimants grandmother?
 12 The maiden more the Indian called her
 his
 (signed) Arthur x Baker
 mark

Fitness he is a citizen is the reason why he signed by a mark

I, R. T. Hanks, Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the original as it is on record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this 15th day of December 1894.

(seal) (signed) R. T. Hanks,
 Asst Exec Sec. "

"To the Honorable the laws Commission on citizenship in the Five Civilized Tribes in the Indian Territory:

Yours truly, Frank J. Hanks, undersigned, respectfully states that he is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. He is the daughter her said Indian blood her maiden name he Miller, was is a Cherokee Indian by blood the said Miller is the daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Lawson, the said Samuel Lawson was the son of Captain John Rogers and Anna Rogers, a Cherokee Indian, as shown by a certain document of Mr. Arthur A. Baker, which is now in the possession of the said Miller's father's exhibit.

Yours truly, the laws Commission on citizenship in the Five Civilized Tribes in the Indian Territory as the lawful grounds for enrollment for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:

Wm. J. House, aged 34 years; Chas. C. House, aged 9 years; Minnie E. House, aged 8 years; Ann. E. House, aged 5 years.

WITNESSE MY HAND this 19 day of August 1896.

(signed) Irene J. House.

Northern Judicial
District, Ind. Ter.

SS

Personally appeared before me, the undersigned authority, Irene J. House, to be known to be the petitioner in the above petition, who being by me first duly sworn upon her oath and saying she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the contents thereof are true, as she verily believes.

(signed) Irene J. House.

Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D. 1896.

(signed) J. Barricklaw,

Notary Public, my commission expires
June 8 1898.

(seal)

"Exhibit A."

Northern Judicial Division,

Indian Territory.

Joannah Barber being duly sworn according to law, on oath states her name is Joannah Barber I am 61 sixty one years old My Post Office address is Catova Ind Ter- My husband's occupation is Farmer and a Cherokee in Coconawcooer Dist I am a Cherokee Indian of blood my mother being Elizabeth Petty (nee Dawson) formerly of Samuel Dawson and Polly Dawson (nee Rogers) and said father being a son of Capt Rogers and Anna Vann (formerly married Allen Vann) the following Irene J. House is my daughter. She was born in Williamson County, Texas May 13th 1837, lived with her husband children to the Indian Territory and settled near Talala I Territory

(signed) Joannah Barber

Subscribed and sworn to before me this 19 day of Aug. 1896.

(signed) J. Barricklaw,

Notary Public, my commission expires
June 8 1898

(seal)

"Exhibit B."

Irene J. House,
Northern Judicial District, Ind. Ter.

deposes and says:

My name is F. M. Dawson; I am 54 years of age; my post office address is Afton Indian Territory I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, my grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1830 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers. The said Elizabeth Petty was the mother of Joann Barber who is a full cousin by blood of this affiant in the Indian side. The said Joann Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koofer, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurring previous to my recollection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, the facts stated as occurring since my childhood I know of by personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(Signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koofer, Notary Public, certify that the annexed and foregoing statement of F. M. Dawson was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me and my official seal of my office in Muskogee Indian Territory this 14 day of August 1910, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person entitled to belief.

(Seal)

(Signed) John H. Koofer,
Notary Public."

The said Robert Sawyer, the father of this affiant, and Elizabeth Hanson who married John Peter were full brother and sister by blood, both being children of the said Samuel Hanson and Polly Hanson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Peter was the mother of Joana Barber who is a full cousin by blood of this affiant on the Indian side, the said Joana Barber is the mother of Irene J. Rouse, whose maiden name was Irene J. Barber and a second cousin of this affiant on the Cherokee Indian side. This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, and he also claim their share of the stipendary at the rate of \$1000 per annum made by the Cherokee Nation. Said affiant and relatives derived their on blood Indian blood from the said Robert Sawyer, and the said Irene J. Rouse.

تبریکات و تحننات

"Cherokee Nation,
Coconawawawaw District.

EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly sworn: deposeth and says, that he is well acquainted with Irene J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joana Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irene House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irene House is a lineal descendant of Annie Dawson whose children (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1890.

(signed) William Lynch

Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:

"No: 3099 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 20 1897 Jas A. Winston clerk."

"Received of H. H. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of vs..... Nation, as follows..... Witness my hand and of aical seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No. 233 No. 5464 Receipt for original papers in the case of Irene J. House vs. Cherokee Nation, Received and filed this day of..... 189...."

"Irene J. House et al,
vs. No. 233
Cherokee Nation.

Mr. H. A. Watson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSKOGEE.

6225. *Chrysomelidae*. *Chrysomelidae*. *Chrysomelidae*.

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recognized citizens of the Cherokee Nation by blood, and entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants are the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the appellee for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1837, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 3 day of Nov 1897.

(signed) L. A. Gibson,
Special Master.

Fee paid,
No Exceptions filed."

Foregoing papers indorsed on cover as follows: "238, Irene J. House et al V Cherokee Nation. Final Report of Special Master, filed Nov 19 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

BY MR. HUTCHINGS:

"Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. McKENNON:

- Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.
- Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
- Q You gave testimony in this case once before, did you not, before the Daves Commission? A I did.
- Q Before this Commission I will say, this Commission? A The Daves Commission? A Why I don't recollect who the Commission was, but was taken at Vinita, by name.
- Q Were you in any way connected with the Cherokee Citizenship Commission in 1883 known as the "Teehee Commission"? A I am Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the existence of that Commission, existence of that Commission.

Q You were the only clerk it had during its existence were you?

A I think I was.

Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et alr, as found on page 114, of its record, numbered 108 (witness examines record referred to.) Now in the possession of this Commission? A I was.

Q The members of that Commission were the same as shown by the signatures to this judgment were they? A The same, yes, sir.

Q Thomas Tench, President of the Commission, Alex Wolfe and T. J. Johnson, Commissioners, that is correct, is it? A That's correct.

Q Were you present when this case was under consideration by the Commission and when it rendered this judgment in the case? A Yes, sir.

Q Were you at that time acquainted with F. M. Dawson, commonly known as "Old Dawson", Campbell Taylor and Samuel H. Benge, who were applicants, who were Cherokee attorneys at that time? A I didn't know them.

Q Did you personally know Mr. Dawson; all I know of him was that he was a party to the suit. I know Mr. Taylor and Mr. Benge.

Q Did you recognize Cherokee citizens were they? A Yes, sir.

Q Did you know generally of a Justice Ship Attorney? A I think he was.

Q Did you know whether or not Mr. Benge was present at the time this judgment was rendered by the Court? A Yes I do not recollect.

Q Did Mr. Benge, I cannot recollect, but I can recollect seeing him.

Q Did Taylor and the Court room now, I don't know.

Q Did you see him brought to the Court for the hearing of that case? A I don't understand the meaning of that; who brought him?

Q Who called on the case? A No, I don't recollect.

Q Do you remember whether that Commission rendered any other decision? A I don't know.

Q Did that Commission render this decision in that case? A I never had any knowledge of any other decision.

Q Was that in favor of or against the applicants? A It was in favor of them; I will say this: that if there was another decision, I don't know.

Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.

Q Did Dawson pay you any money in connection with that case? A No, sir.

Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.

Q Did you give him any money, either directly or through any other person? A No, sir.

Q Did you have any knowledge of his having paid to the Court any money for the purpose of influencing their judgment in that case? A None, sir.

Q Did you have any opportunity of observing his conduct during that time? A The only opportunity that I had was during the session of the Commission; I saw him very little.

Q Did you see anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judgment?

ment? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.

Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from said I or for any services which you had rendered to him in that case?

A Yes, he paid me some.

Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.

Q Yes, sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel as I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received a cent for any kind of that work which I had seen in the hands of many other various parties before the court.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, the Indian Hotel in Tallahassee; went to my room, felt a little tired, laid down, and went to rest. I recollect Mr. Dawson entered into the room, fired a chair up to the bedside and sat down and conferred with expression to his satisfaction at the close of his case, dwelling mostly upon the testimony in the case being so satisfactory, establishing his Cherokee blood, and that he thought that he was entitled and that he had received justice by the court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think I have to-morrow, I must go home, - he then lived down in Arkansas somewhere. Says he, Mr. Dawson, I believe I owe you something, ought to pay you something. Alluding, as I understood, to those little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel obliged to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he said to me, you can't lose anything for your kindness to me; I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, or it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, and got off what I intended to be a farm, partly states, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't care if a dollar you say wrong, I will pay you for your claim, and we will settle the matter in that way, that he was so anxious to get his little matters together that he would satisfy me for it. Well we started at that point. It ran on then for a long time, I don't know how long, - I think I met him in Vinita, and says he, Mr. Campbell Taylor pay me any money that I lent to you? Says I, No, I have not seen Campbell Taylor.

Well, after he, I gave him some money and told him to hand it to you. You say, now, gave he, you ask him and he will hand it over to you. Well, we parted then. Well, went on for some time, I forgot I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slayed my hand on his shoulder, and I, look here, did Mr. Dawson any money to me by you? He says, no, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the intention of compensating him for taking my claim, or possibly for his those little services in the Court. Now that is the substance of the whole thing.

Was not that twenty-five dollars, Mr. Dawson? A It might possibly have been, my recollection does not serve me exactly, but it has been 25 dollars.

Did Mr. Campbell Taylor pay you any other money as coming from him? A Never a cent.

Did he ever pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Did he ever on any special occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A Never.

Did he ever pay you any money that you have since received, say Mr. Dawson? A Not a cent.

W. H. McINTOSH: We offer in evidence the judgment of the Cherokee District Commission before referred to, and ask that

it be read, and once in the case of every introduction read by the Court of the Robert Dawson family who claim it, or through Robert Dawson, a citizen of the Cherokee Nation, said July, at being found on page 114, Records of the Texas Court, 1880 to 1884, case number 103, judgment dated January 11th, 1885, signed by Thomas Tebe, President, also Wolfe, J. T. Thompson, Commissioners. B. F. A. Dawson, Clerk Commission.

The said judgment just introduced is as follows:

Offices Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 103

Robert Dawson,
Albert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson,
Jane Dawson,
Molly Dawson,
Tibron Dawson,
James Dawson,
Ed L. Dawson,

Petition for Citizenship

vs.

Cherokee Nation.

Examined by the Plaintiff, Oct. 3, 1881.

January 13th, 1885.

The above case continues by the Cherokee District till read.

term. Agreed by the parties that the above shall not be taken up for final disposition before the 4th day of Oct. 1882, October 4th, 1882.

It is agreed by the parties that this shall be finally disposed of at the next January term if the claimant is present demanding the same, if not, the case shall be then continued to the September term, 1883.

On this Agreement Commission continues the case till the next January term to-wit, January 1883.

And now this the 11th day of January A.D. 1883 this case coming on for final hearing, and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission on Citizenship that the claimants, Robert Dawson, E. H. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Joseph Dawson, Joseph D. Dawson, Jane Dawson, Molly Dawson, Wilbro Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee Citizenship within the Cherokee Nation, and that they should be, and they are, hereto admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Tates,

President of Com.

D. W. C. Duncan,

Clerk of Commission.

Alex Wolfe,

T. F. Thompson,

) Commission,
)

Transcript issued to Clerk 18, January 11th, 1883,

(signed) D. W. C. Duncan, Clerk.

Marginal Note: "Case submitted by claimant January 11th, 1883. Case submitted by Solicitor January 11th, 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but resting upon what I know to be the practice of the Court at the time, seeing the names of all these Commissioners there, I can say with a great deal of positiveness that they were all present, because I never missed the name of one of the Commissioners unless he was present, consenting to it or directing it.

Q The rendition of that judgment then was concurred in by all of the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session, adverse to these claimants; would you have known it? A I certainly should have known it.

Q Was there any such decision of the Court? A None to my knowledge. I can say positively there was not.

Q How many of those judges are now living? A Only one.

Q Which? A Mr. Thompson.

Q Tates and Wolfe are dead? A Tates and Wolfe are dead.

Q How long have they been dead, do you know? A I do not know, quite a number of years. I wasn't living there, never lived near them when their death occurred, and their death occurred perhaps some time before I got knowledge of it. It is generally understood that they are dead.

Q Do you remember to have seen any other order of the Dawson family about the Court at that time than Bud Dawson? A I have been thinking, and I can't call to mind that I ever saw any other Dawson except Bud, until after they moved into the country subsequent to the rendition of the judgment.

(At this point a party who has been sitting in the room in which the examination is being held, is called forward, sworn on behalf of applicants, and asked to retire until called.

BY MR. HUTCHINGS:

Q Mr. Duncan, when did you become clerk of the Tehee Commission Court? A It must have been somewhere in December, 1884, at the time the Commission was organized immediately at the close of the Council in which they were appointed.

Q December 1884? A I think so.

Q What are you doing rendering judgments here in your handwriting in 1884? A The Commission held its Court after they were elected sometime.

Q The Court was elected in 1881 wasn't it? A Well, I don't think I don't pretend to say when the Court was elected, I didn't have said at the time I was chosen clerk. I was chosen clerk just at the close of the session of the National Council of that year.

Q '84? A I think it was '84.

Q You entered in this judgment rendered January, 1883? A Yes, that was the session of the Commission.

Q That was before you were elected of it? A Well I held a clerkship for some time you know continuously.

Q Well but when you came to court at you were paid clerk when the Dawson case was based on? A No, I don't mean to say that.

Q How could you be clerk when the Dawson case was based on in 1883 when you were not elected until 1884? A I am mistaken in that, '84 comes after '83, - it was the year preceding 1883, it must have been '82.

Q Your first entry in the Dawson case is January 13, 1883, isn't it?

Q I don't recollect what my first entry was. (Attorney shows the record to witness) Yes, that is the entry there on the day,

Q And that was shortly after you became clerk wasn't it? A Yes, shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk? A I think so, yes; it was entered at the previous term of the session of the Commission.

Q In those handwriting was the names of the three Commissioners signed to that judgment? A Dawson Judgment?

(Attorney shows record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record there shows that you immediately gave them that day a transcript of the judgment, do you know who signed it? A I signed the transcript.

Q Yes, sir. A I do not recollect now, this is, did the writing?

Q Signed the names to it? A Yes, that's it.

Q You always signed the names of Tehee and Wolfe didn't you?

A I think I did pretty generally; I don't know of their attempting to write their own names.

Q When Mr. Thompson was there didn't he sign his own name? A Sometimes he did, sometimes he simply authorized me to do it.

Q Have you any recollection of his authorizing you to do it except from the fact that you have done it on that record frequently?

A I don't recall the parties having had any form of authorization, but I can say positively that, consulting the record, that he authorized me to put his name there.

Q Will you look at the original transcript hereby shown you and refer to it in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q That made you when you were testifying at Vinita before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory; I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served on which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the matter and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it occurred.

Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and corrected that that was my handwriting and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q That you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you couldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining and thinking over the circumstances, I think I should recognize your handwriting, but if a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thomas Leach and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third name, right under it, as compared with your written handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew it well as a resemblance, and had one of the opinions that that was Mr. Thompson's signature was like this: I think that Mr. Thompson was in the habit of at least sometimes signing his own name, and I was under the impression and I do not now think I am much mistaken that his signature was at least some resemblance to the one I saw. I don't know whether I had at that time or not.

Q Now you signed somewhat at that time in your testimony by the name of Thompson. I swore that that was his handwriting and not yours, didn't he? A Mr. Foreman, I stated that that was my handwriting, not by him to verify to ascertain whether I was mistaken or not, and after so long a time I concluded that I was.

Q You stated, did you too didn't you, that he always signed the original himself when he was present? A I do not recollect. I stated that I used the word "always", at that time, but at the time I was examined when the deposition was taken, I was in court at that time, but I was to collect and examine the record. I am convinced that I was wrong, but occasionally I am not for me.

Q Then you never found out that your testimony given yesterday, like a year and a half ago was wrong, until you examined the record at the before yesterday, and compared yours and Thompson's signatures? A I don't know that I have thought of it since that time until yesterday of day before the examina the object.

Q Is the only recollection that you have got and the only aid to your recollection that Thompson was present when this judgment was rendered was the fact that you saw his signature on it, in your handwriting, is it? A Yes, that's all.

Q You can answer that or no? A That seeing that I didn't have any recollection and I recollect that the court is there and all present at the time that I signed it. I didn't.

Q It goes out of court at all.

Q Was it in the forenoon now or in the afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you mean when the question of admission or rejection was voted upon?

A Yes. A They were present.

Q Did you make up the record at the time that they rendered the judgment, or made a memorandum of it, and then write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it the next day or when the next session was had, for signature; that was the practice.

Q But in this Harrison case you wrote it on the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And have then a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the bottom of the transcript.

Q That was a very unusual thing for you to do in entering a judgment? A To do what?

Q To note on the bottom that you had given a transcript the same day the judgment was rendered? A No, I don't know that there is anything unusual about that.

Q Any other places in that record or more than one in any event that you have ever done that? A I don't recollect, and as I don't recollect of giving anybody else a transcript.

Q Now when I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty promptly after the decision; whether it was the same day or the evening, and the next day, I don't recollect.

IT NOW BEING THE HOUR OF NOON, 12 M., THE COMMISSION
ADJOURNS UNTIL HALF PAST ONE P. M.

AFTERNOON; TIME-1:45, P. M.,-APPEARANCES;-Same as in fore-
noon: D. W. C. BANCROFT again on the stand.
BY MR. HUTCHINGS:

- Q Do you remember what witnesses were before the Court? A I don't recollect now distinctly except Dr. Baker, I was a boy then. I don't know the length of his testimony at the time it took to take it.
- Q The Doctor was about the only distinct witness there was? A He is the only one now that I can call to mind.
- Q There was probably another old darkey that testified was not there? A I have no recollection to that effect.
- Q The case was just decided, really on Doctor Baker's testimony, it is about the only man that knew anything about the case? A I am not certain that Dr. Baker was the only witness; I might have been others that have now escaped my recollection.
- Q Doctor Baker's testimony was taken down in writing? A Yes.
- Q The Court not anybody else taken down in writing, was there? A All the testimony that was accepted in the case was taken down in writing.
- Q Did you ever see anybody's else testimony in writing except Dr. Baker in that case? A That is not as I recollect, I don't recollect any other but Dr. Baker's.
- Q Now how long was that was taken immediately before the trial of the trial or how long it? A It was taken in the presence of the three commissioners during the session of the Court.
- Q Now was the day that the case was decided or how? A I do not recollect whether the case was on trial some time or day, but my impression is that it was.
- Q Do you know whether it was the same term of the Court or not? A I think it was the same term of the Court.
- Q How many terms a year did that Court have, when did they last? A I don't recollect of but serving but one term.
- Q Don't recollect the serving but one term? A Yes, it seems to me so.
- Q You didn't go in until January of 1862 did you? your first record is a record of about the 15th of January 1862, as shown by the book, isn't it? A I don't recollect in that regard.
- Q Now would they take testimony in the case, then continue it, would they generally do about that? A I think they decided the case at the term in which they took testimony.
- Q Now do you say whether or not this testimony was taken in the case at the time it was decided or at the same term it was decided, or within a week or two of the time it was decided? A I have no recollection is that it was taken at the term in which it was decided; it was taken up, testimony heard that the decision was made at the conclusion of the testimony.
- Q Well now, I am on October 11th, 1862, on your handwriting, the following entry reads: "It is agreed by the parties that this case shall be decided on or about the next January Term," is that correct? A Yes, "I have all that is present in the case, of course, the case shall be continued to the next term." "The case shall be decided on or about the next January Term."

January and a September term; and this decision was rendered at the January, 1882 term. Was Baker's testimony taken during the January, 1882 term, at the time this decision was rendered? A I find it impossible for me to recollect those facts that are recorded there; although I can say about that, that the record shows the correct statement of the facts; but I can't recall those facts.

Q Well there is a record here that this case was continued on the 13th day of January, 1882, upon agreement that it should be taken prior the 4th day of October, 1882; your record shows that there was nothing done in this case from January 13th, 1882 until October 4th, 1882; would you say that was correct? A I should say it was correct if it so stands on the book; it is designed to be a correct entry of the facts.

Q I will let you see the book for yourself; I don't want to misrepresent your end of it at all. (Shows entry in book to witness.)

A I can't recall those facts in regard to the agreement.

Q Who took down the testimony of the witnesses in court? A I took it down.

Q You took down the testimony of Dr. Baker? A Yes.

Q He was cross examined by counsel for the Nation? A As far as I don't recollect. He was present, he was always present; I think finally he was cross examined.

Q And that testimony was taken at or near the time when the judgment was rendered in January, 1882? A I think it was, by inference is to that effect.

Q Well the court seems to have had no session as to this case from January 13, 1882 up to October 4th, 1882, according to the record? A (No response.)

Q You don't recall taking down anybody's else testimony in the case? A No sir, I don't.

Q And the probability is that he was the only witness examined isn't he? A It might have been so. My recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about 71 at that time? A Yes, he was quite old.

BY MR. McKENNON:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken January 13th, 1882; is that correct as far as you can know, or are able to state? A Is that Dr. Baker's testimony? (Attorney here shows witness papers) A It appears to be, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the decision, and I wrote it down; please let me see it. (Attorney hands said papers to witness.)

A Well, all I know about this is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was made correct, according to the fact. (Witness takes copy of the testimony referred to to refresh his memory.) I don't succeed in reading that very clearly to my own understanding, but I gather from the subject matter in that testimony that it is in accord with Doctor Baker's statement; in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. HUTCHINGS:

Q In taking the testimony you endeavored to get down all the material facts that you could in taking it in long hand? A Yes, very nearly word for word, as I could take it, sometimes there was a little variation made necessary by the length of the witness' statement.

BY MR. McKENNON: Applicants object to all of the witness' testimony relating to the method of taking, the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

R. F. FORTNER, being first duly sworn, and having examined testified as follows:

BY MR. McKENNON:

- Q What is your name? A R. F. Fortner.
Q What is your age? A 54.
Q You are a physician are you not? A I am.
Q Where do you reside? A Vinita, Indian Territory.
Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Comities of the Indian Territory and of the American Medical Association, - those are some, and the most important positions I hold at this time.
Q Are you a Cherokee citizen? A I am.
Q Is blood or intermarriage? A Intermarriage.
Q Your wife is a citizen? A Yes, sir.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
Q Is that good or bad? A It is good.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about say six or eight years.
Q Do you know his general reputation for truth and veracity? A I do.
Q Is that good or bad? A It is bad.

BY MR. HASTINGS:

- Q Mr. Du can belongs to the same church you belong to? A Yes, sir.
Q And has for a number of years? A Well now I say I think he does; I have always so understood.
Q Don't keep up with all your neighbors? A No, but he has attended church there and my impression has been that he is a member of the church.
Q You didn't have any business before the citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
Q You was not at Tahlequah while he was clerk of a Court from 1897 to '98? A I don't believe I was.
Q Never had any business before that Court? A Had no business before then, not while he was clerk to my knowledge.

BY MR. McKENNON:

- Q You spoke of his membership in the church; he is in good standing, as a member of the church is he? A Yes, sir.
Q I will ask you if Campbell Taylor's reputation isn't notorious? A Yes, I have so understood it.

BY MR. HASTINGS:

- Q I will ask you if it was notoriously bad in 1903, when these people employed him to represent them before the Court? A That was before my knowledge of him.

Q But so far as you know his bad reputation dates back so far as you know him? A So far as I know him.

W. MILLER, being duly sworn and being examined,
testified as follows:

BY MR. MCKENNON:

Q What is your name? A G. W. Miller.
Q What is your age, Mr. Miller? A 41.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether about 13 years I guess, or 14.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know D. W. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Why yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 18 or 20 years, I guess.
Q Do you know his general reputation for truth and honesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

F. H. CURTIS, being duly sworn and being examined,
testified as follows:

BY MR. MCKENNON:

Q What is your name? A F. H. Curtis.
Q How old are you, Mr. Curtis? A 56.
Q Where do you reside? A Afton, Indian Territory.
Q How long have you lived in the Indian Territory? A 20 years.
Q What is your business? A Lumber business.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About 20 years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes.
Q Did you ever know Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I knew him in '88 and '89.
Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.
Q Is that good or bad? A Good sir. Good as any man's; he is a good Christian gentleman.
Q Did you know him well enough to know his habits of life? A Yes sir.
Q Was he in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life.

Q What is character such as to preclude any such charge against him? A It was, was sir.

BY MR. JUDGINGS:

Q How long did you know Dr. Baker? A Two years.

Q What does he do there? A He was an old gentleman then, he lived right in the edge of Berryville, Dr. Baker.

Q How old do you think he was then? A I think he must have been 75 or 76 years old; an old gentleman.

Q That was in 18 what, 80? A No sir, it was in '68 and '69, the two years that I lived over there.

Q He had retired from business? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q What family did he have? A I don't know how much family he had, I was well acquainted with the old gentleman.

Q He wasn't doing any business with anybody? A No sir.

Q And his character was never called in question any way on the other side of it? A No sir, no sir.

Q Campbell Taylor was a notorious racial pretty much ever since you ever knew him wasn't he? A Yes sir, I never knew much good of him.

Q And whenever a run on a bad citizenship case he got Campbell to work it, because he was notoriously a racial; that's it ain't it? A Well a great many of them got him.

Q It was a notorious thing that they had a bad case they would go to him, it would sort of give a man a bad odor to have Campbell around it? A Yes, that would be right.

Q You never knew anything about Mr. Brown's connection with citizenship matters? A No sir, never did.

Q You never heard about his carrying some of the records of citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Dawson case? A Yes sir.

Q Rumor had it all around that somebody was doing something wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him accused of it, no sir.

Q That run or got out from the first day they were admitted right to the present? A Well I don't know not from the first day, I have heard it for a good while though.

Q But you never knew who they fixed it on? A No sir.

Q There have been a pretty strong family up there in that country haven't they, pretty large family? A Yes sir.

Q Got a good many votes up there? A Yes sir.

Q Had you ever know of the Doctor's testifying any in court, Dr. Baker? A No sir, I never did.

Q What would you think of a man who would testify that he knew a girl that was single in 1825 when the youngest of her seven children

was born in 1827; what would you think, would you think that was a statement to be made by a man who was truthful? A -

BY MR. McKINNON: Applicants object to the question because it is wholly incompetent, and not based upon any proof or admitted facts in the case, and it is wholly immaterial and incompetent.

Do you think that was a statement that would be made by a truthful man? (No response.)

Q You knew him in '88? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite old, in '88.

Q 14 years from that time he was liable to be in his dotage?
A I don't know, he was an old man when I knew him.
Q He was too old to work, and retired from business then? A Well he did work a good deal, but wasn't doing any business particular that I knew of.
Q He would have been pretty old 14 years from that time? A Yes, he would be getting old.

D. H. HARRIS, being first duly sworn and being examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A D. H. Harris.
Q What is your age, Mr. Harris? A I am 44.
Q What is your business? A I am publishing a newspaper.
Q What paper? A "The Indian Chief."
Q Are you Editor of that paper? A Yes sir.
Q You live at Vinita, then? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Do you know B. W. G. Duncan? A I do.
Q How long have you known him? A 12 or 13 years.
Q Do you know his general reputation in the community where he lives for honesty and uprightness of character? A Yes sir.
Q Is that good or bad? A Good.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A Why 15 years or longer.
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.
Q Is it good or bad? A Well it is not good.
Q Is it bad? A Well I suppose it must be bad then.

BY MR. HUTCHINGS:

Q How long has Campbell's reputation been bad, Mr. Harris, quite a good while, hasn't it? A Why I think so, yes sir.
Q And it kind of began mostly with this citizenship business?
A Yes, so far as I know it did, yes sir.
Q Campbell got so many bad citizenship cases and through the mails, and they finally had him up about it, had a good deal of stir about it? A Yes sir.
Q And some of that stir was sort of occasioned by his helping the Dawsons in wasn't it? A I don't know, I don't know whether he helped the Dawsons.
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not. I know he had a great many cases.
Q That was the principal thing that convinced the firm Campbell out, was citizenship cases here? A I think that is what got him into the most trouble.
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling shoddy citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.
Q How Mr. Duncan's connection with the Dawson case sort of been kept back; people never talked much about it? A I never heard anything about it, as I know of.
Q You have heard that there was something wrong about the Dawson case, that has been a notorious thing? A Oh it is a very notorious case, yes sir.
Q Well the fact of Mr. Duncan's reputation for straightness has been somewhat given by himself, he confessed it frequently? A How is that?

Q His reputation for straightness is somewhat given by himself; he takes occasion to confess that very often himself; doesn't he?

A I don't know whether I am qualified to answer that.

Q Speaking of his own honesty, he does that very frequently?

A No sir, not that I know of.

Q Doesn't he write a good deal about that sort of thing? A About his reputation?

Q Why in speaking of his own integrity? A I don't remember that he does.

Q You were not about the citizenship courts along in 1881 '2 and '3 were you? A No sir.

Q Don't remember about the talk that was going on around the Capitol over there about the citizenship cases? A Why no, don't remember anything special as I know of. I remember the citizenship court going on at different times.

Q How far were you living from Tahlequah in '83? A Well, I lived close to Vinita, I guess it is sixty miles probably.

Q Have you lived any nearer Tahlequah since that time? A No sir, never have.

H. L. BUTLER, being first duly sworn and being examined testified as follows:

BY MR. HICKENHON:

Q That is your name? A H. L. Butler.

Q You are a minister of the Gospel? A Yes sir.

Q M. E. Church, South? A Yes sir.

Q How long have you been a minister? A I have been a minister 21 years, sir.

Q Did you ever live at Vinita? A Yes sir.

Q How long? A I was there four years, sir.

Q Do you know W. R. C. Duncan? A I do.

Q How long have you known him? A I have known Mr. Duncan 21 years.

Q Do you know his general reputation for honesty and upright character? A I do.

Q Is that good or bad? A Good, so far as I know.

Q You have had opportunity of knowing? A Yes sir.

BY MR. HUTCHINGS:

Q Mr. Duncan was a member of your church? A Yes sir.

Q That is the principal way you had of coming in contact with him?

A Yes sir, he was a member of my official board.

Q His connection with citizenship cases that were decided by the court of which he was clerk was never brought up in your presence anywhere? A No sir.

Q Or never discussed? A No sir, I know nothing about his connection with it.

Q You didn't live about or near Tahlequah in '83? A Yes sir, I was Pastor of the Methodist Church in '83 at Tahlequah.

Q Did you hear about the Lawson case, and other cases admitted over there by the citizenship court? A No sir, I know nothing about the cases; I remember when the Commission was in session, and remember that he was clerk of the Commission, but knew nothing about the cases that were decided at all.

Q Never heard anybody discuss the cases that were decided? A No sir.

THOMAS A. CHANDLER, being first duly sworn and being examined, testified as follows:

BY MR. HOFFMANN:

- Q What is your name? A Thomas A. Chandler.
Q What is your age, Mr. Chandler? A I am 30.
Q What is your business? A Deputy Clerk of the United States Court at Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know B. K. G. Duncan? A Yes sir.
Q How long have you known him? A Let me see, I have known him about nine or ten years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A Yes sir.
Q Is it good or bad? A Good so far as I know.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A I think about 15 years.
Q Do you know his general reputation for truth and honesty? A Yes sir.
Q Is it good or bad? A Bad so far as I know.

BY MR. HUTCHINGS:

- Q How did Campbell Taylor get a bad reputation? A Well sir, I don't know how he did.
Q You never knew him until 1885? A Well I never knew him personally, I heard of him before that.
Q He had a bad reputation before '85? A Yes sir.
Q Bad reputation way back you say? A First I remember I ever heard of him I heard people speaking bad of him, then I was a kid.
Q And everybody that came around the Nation and knew anything at all knew Campbell had a bad reputation? A Yes sir, ever so far back as '79 or '80, that is as far back as I can remember; I think I heard it spoken of in '80, I think that's about the time.
Q And Campbell got a very bad reputation in '80 and '81 when we began to have these citizenship cases? A Yes sir.
Q You heard it spoken of in raciality and using the mails for these businesses? A Yes sir, I heard of him being in the Fort Smith Jail on that account.
Q Citizens of the Nation talked a good deal about Campbell's being in these bad citizenship cases? A Yes sir.
Q And I also heard he had a bad reputation for owing his debts, didn't about the same time.
Q You don't know whether he had the money, he might not have had the money to pay his debts? A No sir.
Q He could have kept out of bad citizenship cases? A Yes sir, I suppose he could.
Q You never heard Mr. Duncan's name mentioned before in connection with the Dawson case, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.
Q General impression that somebody had done something wrong with that matter, citizenship cases? A I heard there was something wrong in connection with the Dawson citizenship cases.
Q That had always been in notoriety ever since they were admitted? A Yes sir, I have heard it talked around over the country that was the case.
Q Duncan a pretty large vocal capacity at that and the matter was never investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

Q So they never had any endeavor to find out who the witness was?

A No sir.

Q Where did you live in '83? A In '83 I lived out on Dick Creek about 12 miles south-east of Vinita.

Q How far from Vinita was that? A About 65 or 70 miles, I suppose.

Q You never were around before the citizenship courts any during that time? A No sir.

Q You don't know then whether or not Campbell had lost or whether he was or not down there? A No sir, I do not, at that time.

BY MR. McKENNON: Applicants object to all of the testimony of this witness as to what he heard by way of rumor, about the character of the Hanson case, because the same is hearsay, immaterial, irrelevant and incompetent.

A. S. McKENNON, of Counsel for Applicants, being first sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in 1890. I was intimately acquainted with Doctor Arthur Baker, for many years. Knew him as well as I did anyone else. He was a gentleman of the highest Christian character, so recognized by everybody who knew him. He was a sober man, and never drank liquor. I make this statement here in vindication of that good man's character for any other reason, because any imputation against his character is false.

BY MR. HASTINGS:

Q How long did you know him? A I resided in Carroll County until 1897 when I removed to Johnson County, Arkansas; during the time I was away from home, but I knew him intimately when he resided in Carroll County.

Q Did you know him since '67? A Yes sir, I have seen him several times. I have relatives living in the town in which he lived; my relations to him were such as to cause me always to inquire about Doctor Baker; I knew his reputation I think as well after I left there as I did when I lived there.

Q Did you know those facts in 1890 when you were a member of this Commission? A Yes sir, I have known them all my life and know them now.

Q Did you know then when you as a member of this Commission passed on the Irene J. House case? A I knew it every day of my life, in 1890 as well as now.

Q Suppose that Doctor Arthur Baker's statement should appear that he was born in the year 1809, and suppose he said when he was 10 or 15 years of age that Anna Pruett the wife of Samuel Hanson, was a grown up girl going to school, when the other undisputed evidence shows that she had married Sam Hanson prior to that time and had seven children, the youngest of whom was born in '33, how could you harmonize that with a man who was an honest man and the facts in the case? A Whatever Dr. Baker stated he honestly believed, whether it was right or wrong; whether it was error or truth, he honestly believed it, and stated it as he believed it.

Q He was capable of being in error? A Every man is.

Q I say he was? A Yes sir, just as you and I and every man, he was; I merely stated as to his high character, which could be proven, by every man who knows him I think, I know it.

Q The Commission rejected Irene J. House in 1896, of which you were a member? A I don't remember anything about that personally.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MEREDITH, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A David Meredith.
Q Where do you reside? A Vinita.
Q How old are you? A 60 years old.
Q Did you ever know James Dawson? A Yes sir.
Q How long have you known him? A I knew him probably 2 years.
Q Did you ever have any talk with him about his citizenship case.
A Very little.

Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.
Q Well what did Mr. Dawson tell you with reference to his citizenship, as to the cost of his getting it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get his case through.

Q Where did that conversation take place? A At Afton.
Q At what time? A It was in '88, spring of '88.

BY MR. MCKENNON:

Q Where were you when he told you that? A I was working on a house in Afton, building it a house.

Q Where house? A S. S. Haines.

Q Who else was present? A Haines was present.

Q Where is he? A At Afton.

Q What age was Mr. Dawson at that time? A I don't know, he was very old, probably 75 years old.

Q Was he not a very feeble man? A Yes sir.

Q Hardly able to get around? A No sir.

Q Was he not then regarded as feeble minded old man? A I don't know whether he was so regarded or not.

Q You don't know what he had to do with the case, in fact, himself, do you? A No, I judged it was himself and family that cost that much to get through; attorney's fees, etc. That is the way I took it anyway.

Q You were an applicant yourself were you not? A Yes sir.

Q When? A At that time.

Q Before the Cherokee authorities? A Yes sir.

Q They rejected you? A Yes sir.

Q You were an applicant then before the Dawes Commission were you? A Yes sir, been rejected ever since.

Q Are you still an applicant? A Yes sir.

Q Still trying to get in? A Yes sir.

Q Claiming by blood? A Yes sir.

Q How long have you been living in the Cherokee Nation? A 15 years.

Q Where did you come from? A Indiana.

Q Claiming to be a Cherokee citizen? A Yes sir.

Q Indian? A Yes sir.

Q James Dawson is dead is he? A Yes sir.

Q How long has he been dead? A I think he died probably within two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

F. H. DAWSON, being re-called and further examined, testified as follows:

BY MR. MCKENNON:

F. H. Dawson? A Yes sir.

- Q Mr. Dawson, what member of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?
- A My brother from Texas met me at Tallahatch.
- Q Tell his name? A Elbert Dawson, they all know him by Nick.
- Q When was that? A In '81 as well as I remember, or '82, I don't know which, it was in '81 or '82.
- Q Did you file your claim at that time? A My brother was, yes, the application, my brother had Joel Hayes to take it out and file it. That is my understanding.
- Q Joel Hayes, who afterwards was Chief of the Cherokee Nation?
- A Yes sir.
- Q Before what court was that filed? A My understanding was he was clerk of the court; Hastings can tell me what court he was clerk of.
- Q He was clerk of the court at that time? A Yes sir, of the citizenship court; that's my understanding.
- Q That was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.
- Q Where did you then live? A I lived at Berryville, Arkansas.
- Q Then did you next come to the Cherokee Nation? A I believe I came back the next January, that was in September.
- Q Was your brother Nick here then? A I don't think he was, I don't remember.
- Q Well had he at any term of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never set his any more until that case was decided.
- Q You conducted the business then after that did you not? A Yes sir.
- Q The case was finally determined in January 1883? A '83, yes sir, the 11th day as I remember.
- Q Were you present at that session? A Yes sir.
- Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.
- Q Was the judgment rendered in that case as recorded in the record book of that Commission now in the custody of the Dawes Commission the only judgment that is rendered in that case so far as you know?
- A Yes sir, so far as I know, if there was any I never heard of it in that case.
- Q You then know of no decision against you in the case? A No sir.
- Q Who was your attorney employed at the beginning? A I employed A. E. Howwood.
- Q Was he a Cherokee citizen? A Yes sir, I think so.
- Q Where did he live? A At Claremore, my understanding.
- Q Was he present at any time before the Commission? A I never saw him, he never met me there before the Commission.
- Q Did you pay him any money? A Yes sir.
- Q How much? A Fifty dollars.
- Q Did he ever render any services? A If he ever did I never knew it.
- Q Well then who did you employ? A My brother employed Joel Bryant.
- Q Was he a Cherokee citizen?
- A That is my understanding.
- Q Was he not a prominent Cherokee citizen? A Yes sir.
- Q What service did he render? A Well sir, I don't know whether he rendered any or not, only he met me a time or two at Tallahatch, and he was before the Commission; whether he rendered any services

or not I don't know; he was generally always at Washington City during the Term down there.

Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.

Q What next was done about the employment of an attorney? A Well I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Term and Campbell Taylor would see to my claim before the court.

Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't think I got the letter.

Q Well what did you do then? A When the time came I came down on the day to Muskogee here and I goes over from here to Fort Gibson and I goes down to see Uncle Houston Benge and stays all night with him; it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was submitted.

Q Did he submit the case? A Yes sir, he told me so.

Q For you? A Yes sir.

Q Were you present? A I was present until they went to take the vote on the case and then he was drove out of their room and they had a secret session, acting on the case.

Q Was Houston Benge present with you? A Yes sir.

Q Were you in the court when he submitted it to them? A Yes sir, when he made his argument.

Q Did he make an argument before the Commission? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q How long after he made his argument did he submit the case? A It was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted me to set up the cigars to the court and the crowd in the house; after the decision was rendered then I was to set up the cigars, and everybody come to me and told me to go and get the cigars and I done so.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big smoke.

Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.

Q What did you do about it then? A Why the clerk wrote me out my certificate.

Q That same day? A That same day.

Q What arrangement did you make with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay, he charged me fifty dollars, that was his fee.

Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.

Q Were you to write or was he to write? A He was to write for it.

Q Did your brother in Texas ever pay his fee of fifty dollars?

A Yes sir.

Q Was that all that was to be paid? A All he was to have; all he charged me.

Q You heard him state out when he gave his deposition at Fort Gibson the other day did you not? A Yes sir.

- Q Did you know that he paid him fifty dollars before he went over to Tallapoosa? A No sir.
- Q He said that you paid him fifty dollars after he got over to Tallapoosa, did you do that? A I never paid him a cent in my life.
- Q After that judgment was rendered, did you go to? A I went to Port Gibson to Arline's.
- Q By that route? A I went by Siloam Springs and on by Springdale and then on to Rogers, took the railroad there and went on by Selma and by Thelma Springs home.
- Q You then did not return to Port Gibson with Justice Deane, is that correct? A No sir, I did not.
- Q Did you not return by way of Port Gibson? A Well I thought maybe the other was the cheap road and struck a back route and I was boarding at, I could go to Siloam Springs and I went by that route and then there was a back going to Springdale, that was the most direct route.
- Q That was the most direct route from your home was it not? A Yes sir.
- Q And the cheapest? A And the shortest route.
- Q Did you then come in, back to Port Gibson you would have come directly away from the road, is that correct? A Yes sir.
- Q Your home is nearly east, due east of Tallapoosa was it not? A Yes sir, little north of east, pretty near due east.
- Q Well Port Gibson is almost due west is it not? A South west.
- Q You heard the statement that you sent to Port Gibson with 1, and he would come you stated to him that it was to reach him, about 500 dollars, did you state that statement? A I never did, I didn't have the five hundred dollars to reach him.
- Q Did he file at Tallapoosa in the court room on the evening before this judgment was rendered in your favor, tell me what the court had rendered a judgment against you? A No sir.
- Q And did you then say to him, you would fix that? A I had no such conversation with him.
- Q Did you pay to D. W. C. Duncan, who was the Clerk of the Court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.
- Q Or for any other purpose? A No sir.
- Q Did you pay him any money after that through Campbell Taylor? A Yes sir.
- Q That amount? A 20 or 25 Dollars. I don't know which it was.
- Q State what that money was paid for? A For a claim.
- Q What do you mean by a claim? A Claim on the public domain, he had a claim up there close to me, paid him 20 or 25 dollar for it, and he had up there, in the Cherokee Public Domain.
- Q What did Campbell Taylor have to do with your case? A He had nothing to do with it.
- Q Did you agree to pay him any money for his services as an attorney? A No sir.
- Q Did he perform any services in that case for you as a representative of Mr. Bryant? A No sir.
- Q Did he pay him any money? A Yes sir.
- Q On that account? A He came to me and said he had the claim and he wanted me to pay him the money and I paid so.
- Q That amount? A Hundred dollars.

Q Did he say he paid you 25 dollars? A Yes, sir.
Q Joel Bryant. He was collecting it for Joel Bryant.
Q Did he say he paid money to Joel Bryant, that of the 25? A Joel Bryant claimed he didn't, and I had to ask him again, paid Joel Bryant the hundred dollars received at the trial; E. Dwyer paid Joel Bryant; after that, we never could get the money from Campbell Taylor, only this twenty dollars or twenty-five dollars; that is all I ever got from him.
Q How did you get that 25 dollars out of him, Joel Bryant? A I lost after his and telling him to pay that money back to me, he rendered no services to me at all and the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.
Q The amount that he paid to Duncan? A Yes sir.
Q Was this money paid to him, this one hundred dollars, while you were there at the time the judgment was rendered, or was it sent to him afterwards? A I think it was paid then, as well as I remember it.
Q You think it was paid then? A Yes sir, that's my recollection now.
Q Why I said he paid one hundred dollars after you left the court, is frequent to the rendering of that judgment, after that was rendered I sent, directed him to pay fifty dollars of that money to B. W. C. Duncan? A Yes sir.
Q Did he send him a check for one hundred dollars with such direction? A No sir.
Q Mr. Dwyer, you said that it cost me to get the money to obtain their advice and that I was a Nation after that judgment? A Pretty much so.
Q Well about what sum? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was beat out of some other money, that I was beat out of and expenses.
Q Now make a statement of that that money was paid for and how, so far as you remember, itemize it now? Well the first fifty dollars Howard got; the next fifty dollars Benge got; the next the attorneys fees; I speak of the attorneys fees now; the next money was the hundred that Campbell Taylor got; the next the attorneys fees as Bryant's one hundred dollars.
Q Was that all the attorney's fees? A I think it was, no, wait. I paid Ross 15 dollars for taking Baker's deposition.
Q That Ross was that? A The old chief, Bill Ross I think his name was, William P. Ross.
Q He then, this Chief William P. Ross for the deposition.
Q How much charged you fifteen dollars? A Yes sir.
Q He was paid by that that was taken as your attorney at law?
Q Yes sir.
Q Examined him before the court, and his statements.
Q The other attorneys were there present? A No, sir, not present.
Q Well now, go on? A Well, expenses of the Dr. Baker and Ross and Doctor, as well as the other charges, I don't know how many and I was living and his expenses were there; he was in the city, from Henryville, Ark. and his expenses, the other board and expenses and all I think it was about 75 dollars that trip; so et cetera; near it, maybe a little over that.
Q Did you pay him a per diem? A I paid him five dollars a day for his time and then his expenses.

Q Well? A Well I made several trips out here a different times, to Tahlequah before the Commission, and back, three or four trips as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.

Q Do you remember how many trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. H. Norwood.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.

Q You went through and employed Senge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 22 dollars, one or the other, I don't remember what it was; Joe Dawson, my brother gave me the money, it was either 21 or 22 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.

Q That was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.

Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Albert Dawson was better off than the others, Buck Dawson.

Q Do you know how much Buck Dawson paid of these expenses? A I don't think he paid, he paid the Senge debt and the Bryant debt, I think it was.

Q That is one hundred and fifty dollars? A Yes sir, when he came up on one trip and taken some evidence with Joel Bryant and Joel Bryant was Clerk of the Court before this Teehee Court, I don't know what that cost him.

Q Care up he came back for testimony? A Yes, came up to court back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses ever examined then? A I only know what he told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I went back home and left him at Tahlequah.

Q He had taken the testimony before you left him or afterwards? A He taken it afterwards; that was my understanding.

Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.

Q And the expense of taking those witnesses up there? A Yes sir.

Q Who else furnished money now of the members of your family? A My brothers and father lived down in Berryville, he and my brother-in-law, Blasingame, we all chipped in together a few dollars from each family.

Q You heard the statement of C. C. Bryant that in June 1903 you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.

Q And that you paid one witness 300 dollars? A I never made any such statement.

- Q Did you pay any witness any such fee? A No sir, I paid Dr. Baker for his time he said his time was worth 5 dollars a day, and I paid it.
- Q Did you pay any other witness any more than that? A No sir, he was the only witness I taken down there in the case.
- Q Tell the Robert Dawson case? A Yes sir.
- Q He says that you told him this in your house there on your place, did you have any house there in June 1887? A I was not living on a farm at that time.
- Q Did you have any farm? A Didn't have any.
- Q When did you build a house there? A I built a house on the farm I live in now by Mr. Brought, I moved on the farm the last of July, 1887, and I camped in my wagon.
- Q What did you do? A I went to the timber and cut poles and laid them out and made me a log cabin on the place by a spring, near Mr. Brought.
- Q About what time did you finish that house? A I finished it in the fall.
- Q How long after you finished that house until you brought your family out? A I finished it in the fall and got it covered and the floor in it and I went back to Cherokee Springs after my wife.
- Q How long did you have them? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl were with me, and one girl back in Arkansas.
- Q Are you and C. G. Brought on good terms? A No sir.
- Q What has been the character of the trouble between you? A Trouble over our places first started it.
- Q When did it begin? A As soon as I got back from Arkansas he crowded kinder crowding me out to take my farm away from me, and he have been in a racket ever since.
- Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it ain't correct.
- Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.
- Q Have you and law suits with each other? A Yes sir.
- Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.
- Q What was your last trouble with him, when I mean? A Along last fall.
- Q That was when your boys had a little racket and he had one boy arrested? A Yes sir.
- Q What was the age of those boys? A Eleven years old.
- Q What had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.
- Q He was discharged on account of his age? A Yes sir.
- Q What Dawson is dead is he? A Yes sir.
- Q How long has he been dead? A Three years, little over three years.
- Q And James Dawson is dead? A Yes sir.
- Q Is your father, Robert Dawson living? A No sir.
- Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.
- Q When did your father, Robert Dawson die? A I believe it was in '87 as I remember now, I won't be positive.
- Q Had all these moved to the Cherokee Nation before their death? A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of the folks all lived here. That was James Dawson and Buck Dawson.
Q Robert Dawson, your father, never did move to the Territory, did he? A No.

Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson came down there with someone else was introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.

Q He says that man James Dawson was 35 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.

Q How many James Dawson's were there belonging to your family? A There was my uncle James Dawson and a brother James Dawson, the Doctor here.

Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.

Q About what age? A Must have been 60.

Q Between 60 and 70? A Yes sir.

Q That was the age of your brother James? A At that time?

Q Yes sir, in '84? A In '84 I suppose he was about 18, something like that.

Q Did he have anything to do with the James Dawson case? A No sir.

Q Was he present at the time that the James Dawson case was under consideration? A No sir.

Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.

Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.

Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?

Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.

Q Were you acting with them? A Yes sir.

Q They employed Campbell Taylor? A Yes sir.

Q Then there was no James Dawson present during that session of the Commission? A No sir.

Q What was the condition of James Dawson's health at that time?

Q It was pretty poorly; was not good.

Q Was he at that time able to get about and attend to business?

A I don't think he was.

Q Was he not a very feeble minded old man at that time? A Yes sir.

Q Regarded as rather a silly man was he not? A Yes sir.

Q Did he attend to any kind of business of the family at that time? A No sir, didn't.

Q What was his financial condition? A Pretty bad.

Q Did he have any money? A No sir.

Q Did he have any property? A None hardly at all; horse, probably, or a cow or two, something that way.

Q What about all the property he had? A Yes sir.

Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.

Q Now then after these judgments were rendered that members of your family removed to the Territory, Cherokee Nation, I will say?

A Robert Dawson and family and James Dawson and family, that is, and their children.

Q Robert Dawson didn't move here? A No, I said except Robert Dawson.

Q Did all the members of Robert Dawson family move here? A Yes sir.

Q What himself? A Yes sir.

Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.

Q She has never moved here? A No sir.

Q Were all the members of your family, your father's family included in that judgment of the committee, rendered January 11th, 1892? A All but one.

Q What was the name of that one? A Mena.

Q A daughter? A Daughter of Robert Dawson.

Q Your sister? A Yes sir.

Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.

Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.

Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my neighbors.

Q What are their names? A Katie Vernon and Verna Fishback.

Q What made of that? A The certificate papers they got was made, and they went before the Council in 1894 and they was admitted each by the act of Council.

Q And in 1894, the Cherokee Council admitted, re-admitted, or called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, that have now the same names as Katie Vernon, is not, Tob Robinson married the wife, and is now mine.

Q What has been any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two admissions in '82 and '84 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three?

Q What have I just named? A Yes sir.

Q What? A Why two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment, and they was placed on the rolls I think, and saw the roll, signed of Council, got their draft or checks for the money. Have you got the copy of the act of Council admitting them?

Q Yes sir.

Q What is it? A (Produces papers.)

EXHIBIT 107. We offer in evidence an act of the Cherokee National Council relating to a appropriation of 25,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the undivided roll of 1886 by the Principal Chief."

This act was approved December 31, 1891.

Approval signed by Stephen Toney, Assistant Acting Principal. In this list appear the names of William R. Dawson for payment of 17.70, and of Marion Dawson, for a like sum. Are these

the names of two of your sons? A Yes sir.

Q I never saw introduced, is filed and made a part of the record in this case.

Q Did there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

- Q What was that? A In 1894.
- Q What was that? A Allowing them their Strip money.
- Q Have you a copy of that? A I think I have. (Produced papers.)
- BY MR. MCKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the Strip money to certain persons named therein. Among them are members of the Glassingame family, as follows: Jane, Elbert, Henry, James Ross Leslie, Pearl, Aros, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and those names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of \$265.70.
- Q Were these members of the Robert Dawson family? A Yes sir.
- Q Which one of the members of the family? A Jane.
- Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
- Q And her children? A Her children, was not admitted, she was admitted.
- Q I mean this mentions her children here? A Yes, that mentions her children.
- (The paper last above introduced is filed and made a part of the record in this case.)
- Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.
- Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.
- Q What was that? A That, I think it was in '84.
- Q Have you got a copy of that act? A No, the record is here.
- Q Was that by the Spears Court? A Yes sir, by the Spears Court.
- BY MR. MCKENNON: We now offer in evidence a judgment of the Cherokee Commission on citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.
- Q Those now are the Douthetts to which you refer, are they? Yes sir.
- BY MR. MCKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same hand-writing as the record of the judgment.
- The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:
- "Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 15th, 1883.
- E. Dawson, for his grand-children,)
No. 181.)
Lula Douthett,) C. H. Taylor,
Dallas Douthett,) Atty. Gen. Claim.
vs)
The Cherokee Nation.) Petition filed Sept. 1st
(14th, 1883.

Case admitted by District Court Jan 14th, 1887.

Case admitted by District Court, Sept. 18th, 1887.

Continued by Plaintiff on Jan 22, 1884 to September Court 1884.

Re-argued September 2nd 1884, by Attyr Taylor and Revert

and by defense Sept 9th 1884.

And on this the 13th day of September 1884 comes this case for final hearing, and all the evidence in the case having been carefully read, and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lela Dantana and Dallas Dantana are Cherokee by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation, and that they should be, and are hereby admitted to and all the complete enjoyment of the same in all respects, as native born Cherokees.

11 pages, p. 8.

John Lee,

Andrew Young,

John L. Adair,

all con'n.

Commission on Citizenship.

Q. Now were there any other actions of the Cherokee authorities of like character relating to the members of your family?

A. I don't remember of any others.

Q. I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was then raised, and an investigation was made as to it? A. Before the Dineen Commission?

Q. No, before the Cherokee Commission making the roll of 1896, of which John T. Carter was a member? A. Yes sir, yes. I had forgot it, but since you have named it there was some investigation of that at that time; this is what I understood.

Q. That roll shows that the members of your family were duly enrolled by the Commission? A. Yes.

Q. Have you and the other members of your family since your removal to the Territory in 1887 and immediately following been recognized as Cherokee citizens by blood? A. Yes sir.

Q. Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A. Yes sir.

Q. Yes, and all the members of your family are living in the Cherokee Nation? A. Yes sir.

Q. You have all drawn Cherokee rations whenever payments were made? A. Yes sir.

Q. And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A. Yes sir, I was one of the judges of the election which was held voting on the treaty.

Q. What treaty? A. The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.

Q. In what year was that? A. I believe it was last spring, something, I think April.

Q. Have any of you held any offices in the Cherokee Nation? A. Yes sir.

Q. What offices have the members of your family filled? A. Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Democratic Party.

Q. Now, if either of those things were to be said to anyone that was a naturalized citizen? A. Only to a citizen, yes sir.
Is that all? A. Yes.

10-11-1957 A (10-11-1957).

Q Now, if a chain of posts has been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.

Have they been taken care of? Yes, sir.
 And have they installed the new? Yes, sir.

Q And when they instituted it, the 1st of July, 1862, did they not say that it was to be a trial? A Yes, sir.

Q. And quite instituted against them in such courts? A. Yes sir.

Q. So, of these cases, have you lost any? A. Some. Court of the
 Appeals Nations? A. Yes, sir.

Q Were you informed by that individual? A Yes sir.

Is there anything else? A Nothing, no; I am sick this evening; I
 have a head-ache so bad I can't hardly see.

BY MR. CATHLAM:

Q. And all of them said, "Robert Lee can't be dead?" A. I don't know, I couldn't say for sure.

Q. In 1964, you said you had been a year old when you met her.
A. Yes, I was a year old and he was feeble.

He stated that he was "so silly" and he knew that
he had to live in Texas. He didn't see him until after
he got to the Territory.

Let me see the oldest one. What was the occasion of that?

Q. And the oldest one of these children was Mrs. Betty

Q. How long did you live there? A. Yes sir.

Q Who's the youngest? A Sam Riley.

Q Now, you're going to find out one of the groups? A Yes, sir.

Q. Now, did you ever live four or five years after he and you were
to citizenship? Yes sir, something about that, is it

Q. Now, I think he died in 1987, I don't be positive; that is as far as I remember. I have got a headache so bad that I can't remember anything.

For none of the older members of the family were ever present at these trials of citizenship? A. No sir, not a one of

Q Now, none of this was ever called upon to testify as to the kind of their father, the situation or anything about it? A I don't

That clinic of Lincoln was through Captain John Rogers and that
brother was the half sister of Big Joe Vane, wasn't it?
I don't know. I couldn't say at all.

I don't know, I couldn't answer the question.
You were there when the

... Were there more when they took the testimony? A I was there when
... Baker's testimony was taken, but I was not there when

And nobody kin to the Powers and He...

Q: in the case? A: Not as I know it.

They are very well known Cherokee families in the country?
I suppose so, I don't know.

Any yet nobody on any side of the family connected with it was
or called to testify. A

Not that I know of, I don't know
some of the evidence at Tunley
first filed his claim.

- Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.
- Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.
- Q You had talked to your brother about that you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our father.
- Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.
- Q You went off, came to Atlanta and left your brother at Tallahassee after you told him that that? A Yes sir.
- Q You didn't see your brother any more until after you were admitted? A No sir.
- Q You and he however had trips back and forth to Tallahassee and back at different times, but you didn't happen to get together? A No. I never met him any more and I don't know what he is there until after we were admitted.
- Q But you were there and brought Dr. Baker over? A Yes sir.
- Q All took his testimony a year or so after that before ever you were admitted? A I think as well as I remember, yes sir.
- Q Now the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't see him, didn't hear him.
- Q The way he came into your case? A That was he claimed to come in.
- Q He told you in your case that Bryant did? A Campbell didn't do anything.
- Q That did Bryant do? A I think he helped my brother and evidence as another employee of mine.
- Q How did you happen to be sent money by Campbell to Mr. Darn? A I never sent him any money.
- Q Then when he, Mr. Darn, stated that Campbell delivered the money as Campbell said he did, that was wrong? A Oh no, you are right, Mr. Darn got 25 or 30 dollars, which he stated, from Campbell Taylor, that he.
- Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally ended the 25 or 30 dollars he gave to Darn.
- Q Then you didn't tell Dr. Baker he testified that you sent 25 or 30 dollars by Campbell Taylor? A Campbell Taylor agreed to give me 25 or 30 or 35 dollars for some of the money I give him to give to Joel Bryant.
- Q The family kept Campbell Taylor employed though as their employee after that? A In the James Dawson case I think so.
- Q E. Dawson, you remember, had his four grand-children? A That is understanding.
- Q And your uncle James Dawson was in the case of his children? A That James had nothing to do with it; James was dead till Jackson got him; that was my understanding of the employee him.
- Q The record here shows that the case was originally instituted by C. E. Taylor and was finally submitted by him September 21st, 1904, in the James Dawson case? A I don't deny him being in the case.
- Q You say he was employed in the E. Dawson case? A I don't know who was in the Darnett children's case.
- Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Revert, who testified a while ago? A That was in the James Dawson case, wasn't it?
- Q That was in the E. Dawson grand-children? A Elbert?
- Q No, in the Darnett children's case? A Oh yes.

Q He was likewise attorney in the Mary Dawson case was he, and before the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.

Q And the case likewise of Wiley Dawson? A I don't know anything about those.

Q They are relations of yours? A Well I couldn't say.

Q James K. P. Dawson proved to be a son of Wiley Dawson? A Well if he is he is by connection then. There are so many Dawsons I don't know them all.

Q You know Andrew J. Dawson? A Yes sir.

Q The Dawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.

Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.

Q He refers in his application as being a cousin of E. Dawson, and yourself, who were admitted to citizenship by the Texas Court?

A He may be, I don't know nothing about it.

Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about those people.

Q Old John Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.

Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He hadn't have good use of his fingers.

Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.

Q Well I say he was a very old man? A Yes, getting old.

Q How didn't you come to this place up there joining Proffit's and work on it some time before you brought your family? A No, I brought my family with me, except my wife.

Q And you subsequently built a house on it? A Yes sir.

Q And went back and got your wife and moved there to the new house? A Yes sir, went to Purkay and got my wife.

Q You never saw your grandfather at all? A No Dawson, yes sir, I saw him.

Q You remember do you of being with him back of you at all? A I was in Texas in time of the war, with my uncle Wiley Dawson, and he was there.

Q In '66 sometime? A '62, I reckoned, or '67. Somewhere along there, in time of the war.

Q How old a man was he at that time? A Pretty old man.

Q You never saw your grandmother, she died before she came?

A Yes sir, I never saw her at all.

Q The first started the citizenship matter, your brother in Texas or you? A Why it was he, and my brother together.

Q I mean who first conceived the idea? A I first conceived talking about it.

Q And sent down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.

Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.

Q They were getting pretty thick in there in 1880? A Well in '82 and '84 and '85 I think.

Q Been some excitement over there to get yourselves on the rolls?

A Just got to be everybody; but it wasn't at the time we were admitted there was not much stir about the rights here.

Q Well the Watts had been admitted before that? A I suppose they had; there was not much excitement over the Watts claim at that time.

BY MR. HASTINGS:

Q You did locate and board with Sam Shables when you first came to Tahlequah in '81? A I think I did.

Q Your brother Buck Dawson stayed there also? A Yes sir.

Q Sam Shables lived in the north end of town, old German? A Yes sir, old German, lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard that but I have forgot them.

Q You don't recollect any name now? A I don't remember them now sir.

Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear by certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of records? A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to find any other? A No. Not even find our petition.

Q Samuel P. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never let them to land there.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have heard it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Billy Dawson case? A No sir, not that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1896, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and come back and they told me about it.

Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the records I could rather be excused for my part of it.

Q You were the man that had the most to do with it? A I never employed him, I can say that.

Q You are the man that had most to do with the records? A In my case and in my father's case.

Q Didn't you testify for your uncle Jim Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

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- Q Wasn't he employed by J. L. Dawson after you got your citizenship?
A Why not but the grand-children.
Q J. L. Dawson's petition was filed in November last, after yours?
A Yes sir.
Q C. H. Taylor, attorney of record, filed his petition? A He
must have filed it for and I know.
Q Well, you hadn't at that time fallen out with C. H. Taylor had
you? A Why no, we never did have any trouble, only over this money,
I never would give it back to me or give it to Bryant.
Q You never discovered that he was such a bad man until after your
judgment was rendered? A I know he was not of good character.
Q Are you and Bryant, this man who testified for the Cherokee
Nation, or speaking to us? A Hardly speak.
Q Does he refuse to speak to you? A So still as he does.
Q Do you refuse to speak to him? A Yes sir.
Q Have you been speaking to him for the last two or three months?
A I have not spoken to him since I let him down at the hotel the
other day.
Q First time you spoke to him since he had the boy arrested? A Yes
sir.
Q When did he have the boy arrested? A About in September or
October, September I think.
Q Then did Dr. Baker die? A I don't remember.
Q You don't remember how old your father was then?
A No, I don't know.
Q What is your age? A I will be 30 in May.
Q Then you were born in '42? A Yes sir, '42 according to the
record.
Q Was your father as much as 25 years old when you were born?
A I couldn't say.
Q That was your best judgment? A I suppose he was 20 or 25
years old. My understanding he was 25 years old.
Q Can't you give any better idea than 4 or 5 years of your father's
age? A I say 25.
Q Your father was born say, 21 from 42 would have made him be born
in 1877; now had your father any other brothers or sisters? A I
think Jack Baker was the oldest of the family, no, Betty, my girl,
was the oldest and Jack next, and then my father as well as I
was older about it.
Q There were two girls older? A Yes, one of the girls I never
thought you think there was only one older than your father? A Yes,
my understanding of the family.
Q Now Baker gives his age 27 in '42, that would make him be born
in '15, now he states that he was 17 or 18 years old, which
would make him be born in 1899, that your grandfather Anna Pruitt, was
a school girl; whereas from your testimony and that of the family
history introduced here who stated he was grandfather Anna Pruitt
with the other of several children, the youngest being born in 1837,
how do you reconcile that? A I don't remember about the statement
of Dr. Baker; I don't know that he made such statement as that,
I don't remember about it.
Q And if he did you don't know how to reconcile it? A (No response.)
Q Did you talk to any of the members of the Court that admitted
you? A No sir, I was not acquainted with them.
Q You know whether they were old or young men? A They were old
men like Steve Teece. I got acquainted with him afterwards, and
to be Thompson, at the Court I know I was there a good deal.

- Q That was the fellow that was on the Court? A Yes sir.
- Q He was afterwards assistant chief of the Cherokee Nation?
- A I think so.
- Q Steven Teece, that's the man you had reference to? A Yes sir, I think it was, I just knew the man; I had no acquaintance with him at all.
- Q D. F. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when we were admitted.
- Q Don't you know he did? A I think he did, as well as I remember.
- Q Were not you over there to his room? A I think I was.
- Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Ter., was in January Term of 1882 I believe, it was, as well as I remember about it.
- Q Well you didn't take any more testimony after Dr. Baker testified?
- A No sir, I didn't.
- Q But your case was not submitted or passed upon to a jury?
- A I think it was, yes sir, as well as I remember.
- Q I would like to ask you when the Blasingame family came to the Cherokee Nation? A Alex Blasingame came with his then son over here, and went back and got his family and moved that fall.
- Q Did he love his family here that same fall? A Yes sir.
- Q What year was that? A In the fall of '83 I believe it was, as well as I remember now.
- Q When did the Bulaska family come? A I think the girl and the old lady came in the next spring.
- Q How long did they remain that time? A The old lady stayed here, but the girl went back again in a short time and her husband came back.
- Q Did she come back until after her marriage? A No, she was married when she came first.
- Q The last time? A She was married I think, she was married when she came out.
- Q How long has August Bulaska been a permanent and continuous resident of the Cherokee Nation? A I think he came there in the fall of 1884 or 1885, I won't say which.
- Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
- Q When was that? A '83.
- Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
- Q Who is Arizona Alvey? A That is my daughter.
- Q Did you bring her with you? A No not when I moved.
- Q When did she come? A She came out in a year or two after I moved here.
- Q Was she married when you moved here? A No sir, she was not married.
- Q She was not married when you were admitted? A No sir, she was a child.
- Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.
- Q What was his mother's name? A Melvina Dawson.
- Q You know Jim Lowe's age? A No sir.
- Q Don't know how old he was in '83? A No sir.
- Q Was he grown? A I think he was.
- Q Married? A No no.
- Q Married in this country? A Yes sir.
- Q Who is James H. Harrison? A Married one of the Jackson girls.

Q When did they come to this country? A Right away after they was admitted.

Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.

Q You know Gideon Graham? A Yes sir.

Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.

Q Did he come from Texas to Arkansas? A Come from Texas.

Q Did you know them in Texas? A I knew the girl.

Q You never knew them until they come to this country? A I never knew Gid.

Q When did you see him here? A I think they come here in the fall or winter of 1894 or '95.

Q He was married then? A I think he was.

Q Brought his wife? A I think he was, I don't know.

Q Did he have any children when you first saw him? A He come to my house and I never saw his family for-I don't know, for several years.

Q You understood he had a family? A Yes sir.

BY MR. McKEENHON:

Q Did you mean to say '84 or '94? A '84.

Q Did you see Gid Graham in '84? A '84, let me study, March '85.

BY L.P. HASTINGS:

Q Did you see him in '85, are you positive on that proposition?

A I think so.

Q Will you swear it? A No sir, I want positive swear it, but I think it was, and I remember how it was; I couldn't say positive.

Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask the question again.

Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.

Q They all drawed money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.

Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.

Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.

Q Well I say there is nothing special about it? A No, I don't know if there is.

Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, I knew him, when I saw him.

Q Mr. Will Ross did the examination of Dr. Baker? A Yes sir.

Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.

Q None whatever? A I don't remember any.

Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.

Q What? A Letters to my brother in Texas.

Q Buck Dawson? A Yes sir, E. Dawson.

- Q What? A Yes sir, Buck Dawson.
- Q Well is that all he did for you? A I don't remember anything about it.
- Q Why didn't you get your attorney to do that letter writing? A There was not any there.
- Q Taylor nor Benge was not there then? A No sir.
- Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.
- Q When did you pay that? A I think I paid it, I don't exactly know, Camp Taylor paid it a year or two after I moved out here and settled where I did; might have been 2 years. I don't remember.
- Q Where was Duncan living then? A I couldn't say where.
- Q Was he still clerk of this Court? A No sir, not when that money was paid; that is, when Camp Taylor said he paid it.
- Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.
- Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.
- Q How much did you give him? A One hundred dollars.
- Q When? A Right at that time; he claimed it from me as soon as he got our papers; he came onto me and claimed it for Bryant.
- Q You never sent him any then after that? A No sir.
- Q Did you ever see Bryant after that? A Yes sir.
- Q How long after that? A I don't know, a year or two afterwards.
- Q A year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until he moved out to this country.
- Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. McKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by their representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. McKENNON:

- Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Teece and Thompson.
- Q Are you positive of that fact? A Yes sir.
- Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?
- Q Andrew J. Dawson, who claims to be from Missouri? A How was the question?
- Q You do not know then is he? A I don't know that they are any kin to us.
- Q You don't know that they are related to you at all? A No sir.
- Q This Mary Dawson case, do you know the members of that family? A No sir, I don't.
- Q Don't know who they are? A No sir.
- Q The Rebecca Dawson case? A I don't know her either.
- Q You don't know whether they are related to you or not? A No sir.
- Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Joann Barber, do you know anything about them? A They claim to be kin to us.

Q Where are they from? A They are from Texas.

Q Do you know they are related to you? A They claim to be kin.

BY MR. HASTINGS:

Q Well you swore for them before the Commission? A Yes, they claim to be kinfolks of mine.

BY MR. McKENNON:

Q Irene J. House, who is that? A That is a cousin of mine; claims to be.

BY MR. HASTINGS:

Q You testified for her didn't you before the Commission? A I think I did as well as I remember.

BY MR. McKENNON:

Q Before the Court that admitted James Dawson and family, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.

Q Who were the others? A Myself and J. Dawson and there were two other witnesses, I don't remember who they are.

Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q You don't remember their names? A Which?

Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about it and J. Dawson was citizens of the Cherokee Nation.

Q You only proved that Jim Dawson was brother of Robert Dawson before the Court? A Yes sir.

Q And then referred back to the decision in the Court before? A We proved that they were citizens, and he was my father's brother and ever come here.

Q Who is older than Dr. Baker? A About the same age.

Q Why didn't you get Oliver Miller's testimony in the House case?

Q He is dead.

Q You and no member of your family in the Irene House case or the Joann Barber case or any of those cases that were tried before the James Commission in your affidavits ever had reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you?

A I don't remember about that.

Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.

Q You never made reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.

BY MR. McKENNON:

Q For just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or mislaid are they not? A I suppose they are, I don't know, I never saw them.

Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSION: This case is continued until 8:30 a.m., tomorrow morning, March 20th, 1902, it is not being the hour for adjournment.

MARCH 20, 1902, - 8:30 a.m. - F. L. LARSON, clerk of the Court, testifies as follows:

BY MR. McKENNON:

Q Where was your brother Nicol Dawson raised? A In Arkansas.

- Q What County? A Carroll.
- Q What town? A Berryville.
- Q Did Dr. Baker live at Berryville? A Yes sir.
- Q Was your brother intimately acquainted with him for many years?
- A Yes sir.
- Q Did he live long sufficiently to be acquainted with his character and habits of life? A Yes sir.
- Q Do you know Josephine Pierce? A Yes sir.
- Q What daughter was she? A Robert Dawson's.
- Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.
- Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephine Dawson? A I don't know but the one.
- Q She was also called Josephine or Josie Kelly? A Yes, after she married; her first husband was Pierce.
- Q And her second husband? A Was Kelly.
- Q There was another Josephine Dawson wasn't there, Bullock's wife?
- A Yes; they called her Joe, I suppose that's her name, I could not be positive; that was Rile Dawson's daughter, August Bullock's wife.
- Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.
- BY MR. HUTCHINGS:
- Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
- Q How old are you? A 42.
- Q 42? A I think so.
- Q How many older children were there of your father and mother than yourself? A Three.
- Q Which were they? A E. Dawson, Rile Dawson and Jasper Dawson.
- Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.
- Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
- Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
- Q Don't know what year he came to Arkansas? A Only from statement.
- Q Well what did they say about it? A I think they came there sometime in '30.
- Q You know whether your father was born in Arkansas? No many of your grandfathers children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
- Q He came there in '30, and all the other children were born on the Mississippi River in Tennessee, before he ever came? A That is what I think, yes sir. Now I am not positive about that.
- Q They were from Tennessee, but either Dr. Baker lived there or your father came from there; I don't know as I remember that I ever heard of either say where he was born at.
- Q In Tennessee somewhere; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
- Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
- Q Don't know the time that comes in between you? A No I don't know that; I think it is about two years though.
- Q That would make E. Dawson about eight years older than you, wouldn't it? A Yes sir.

BY MR. McKENNON:

- Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.
Q What was her name? A I always knowned her by Dada Pierce; I don't know whether that is her right name or not.
Q What is Bogle's name? A John Bogle.
Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.

BY MR. HASTINGS:

- Q Where did she marry John Bogle? A Near Afton.
Q When? A I couldn't state.
Q About when? A You have got a copy of the marriage license.
Q When did Josephine Pierce come to the Cherokee Nation? A '83.
Q Has she lived here continuously since that time? A Up until her death; she is dead.
Q Any of her children come with her at that time? A Yes sir.
Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined, testified as follows:

BY MR. McKENNON:

- Q Your name is J. C. Starr is it? A Yes sir.
Q Mr. Starr, was that instrument taken by you, or before you? (Showing witness document.)
A Yes sir.
Q Where? A At the residence of S. H. Benge near Fort Gibson.
Q Then? A On the 15th day of this month.
Q That day of the week was that? A On Saturday.
Q Is that the day it was taken? A Yes sir.
Q Did you go there on Saturday to take this? A Yes sir.
Q Then when Judge Benge stated on Tuesday that it was taken "yesterday" meaning Monday, the 17th, he was mistaken, was he?
A It was taken Saturday, the 15th.
Q Was he mistaken or not? A It was not taken then.
Q Then his statement made on Tuesday the 18th that it was taken on "yesterday", meaning Monday, the 17th, was not correct, was it?
A I think not, because I was there, and it was taken on the 15th.
Q And it was taken on the 15th, you are positive it was taken on the 15th? A Yes sir.

- Q Then of course his statement could not be correct? A I guess not.

BY MR. HASTINGS:

- Q So he's just mistaken about the date, wasn't he? A Yes sir.

BY MR. McKENNON:

- Q Did you tell Charles T. Moore who is now present, on last Tuesday that they sent you out there on Monday to take that? A No sir.

BY MR. HASTINGS:

- Q I sent you there last Saturday? A Yes sir.
Q And you went there at my direction, didn't you? A Yes sir, and come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined testified as follows:

BY MR. McKENNON:

- Q What is your name? A My name is Robert L. Dawson.
Q What is your age? A My age is something close to 30 years old, I am 29 past.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?
A Yes sir.

Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that along the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and he looking over them I saw this letter.

Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.

Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. MCKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. F. BENGE, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A G. W. Benge.

Q Are you a son of Samuel H. Benge? A Yes sir.

Q Do you know his handwriting? A I believe so.

Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.

Q To the best of your knowledge and belief is that his letter?
A Yes sir.

BY MR. MCKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

"Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you allso. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,

S. H. Benge,

"Attorney at law."

Enclosed in envelope, as follows:

Card in upper corner, left hand:

"Return in ten days to C. H. Taylor,

Attorney at Law,

Tahlequah, Ind. Ter."

Addressed: "Mr. E. Dawson,

Henryetta,
Clay Co., Texas."

Post-marked: " Tahlequah, Jan 13 Ind T."

ROBERT L. DAWSON, -re-called and further examined, testified as follows:

BY MR. MCKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the same that you found the Benge letter? A Yes sir.

BY MR. MCKENNON: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.

I. T., M. A. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him \$50 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him \$100- and that you had offered him a check on some bank in Texas.

That \$100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you. Please write to me.

Very respectfully,

Very truly,

J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A He, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked his age; of course I guess my mother knows.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attent on to it.

Gid Graham, being first duly sworn and being examined testified as follows:

BY MR. MCKENNON:

Q What is your name? A Gid Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.

Q How long have you been living in the Territory? A I came out here in 1887 or '88.

Q To the Cherokee Nation? A Yes sir.

Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.

Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.

Q How long did you live in the Cherokee Nation? A About 6 years.

Q Where did you go then? A Wagoner.

Q In the Creek Nation? A Yes sir.

Q And been residing there ever since? A Yes sir.

Q In business? A Yes sir.

Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.

Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.

Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.

Q Taking the census of the Cherokees? A Yes sir.

Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.

Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.

Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?

Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.

Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.

Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.

Q Your mother was Missouri Dawson was not she? A Yes sir.

Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.

Q And was not Missouri Dawson as named in that judgment? A Yes sir.

Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted?

A There were not any of them married.

Q Ella Dawson was your aunt? A Yes sir.

Q Was she married at that time? In 1885? A Yes sir.

Q Melvina Dawson, was she married at that time? A Yes sir.

Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

- Q Can you give us the exact date of your birth? A Yes sir.
- Q Do so, please? A January 21, 1867.
- Q And you came to the Territory when? A In 1887 or 1888.
- Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
- Q Well I just want to know whether you did have or not? A No sir.
- Q Then were you married? A 1886.
- Q You were married prior to coming here? A Yes sir.
- Q Your first child born away from here? A Yes sir.
- Q What is its name? A John W.
- Q '86 you were married, and he was born about the spring of '87? A Somewhere in 1887, I don't remember.
- Q Prior to your coming here? A Yes sir.
- Q That is the only child you had that was born away from here? A No sir, Julius.
- Q Julius was not born in the Territory? A No sir.
- Q And prior to the time of your removing to the Territory? A Yes sir.
- Q These are the only children born out? A Yes sir.
- BY MR. McKEENON:
- Q Do you know Campbell Taylor? A Yes sir.
- Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of that question, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
- Q You never had met him before, or had any communication with him? A I never met him before, as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.
- BY MR. HUGHINGS:
- Q You knew he was the attorney in the case, originally? A After looking at the records - did.
- Q I mean you knew it at the time you wrote to him about the affidavit, that was the reason why you thought he would know something? A Certainly.
- Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were rolled off the rolls.
- Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:

Q "You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.

Q You went to Captain Benge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.

Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.

Q And you went with Aaron Butler to see Jim Smith, attorney before that court? A Yes sir.

Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.

Q That shows you used considerable activity? A Yes sir, I used much activity as was to my interest.

BY MR. McKENNON:

Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.

Q Then you began to look up the evidence and see what there was in it? A Yes sir.

Q As Mr. Hastings has stated? A That's right.

BY MR. McKENNON:

Q You are a grandson of James Dawson? A Yes sir.

Q The old gentleman? A Yes sir.

Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1804, wasn't it? A Yes sir, well I can't be exact as to that.

Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.

Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.

Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.

Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?

A No sir.

Q Do you know how old Dr. James R. Dawson was that that time?

A James Dawson? Q No I am speaking of Dr. James P. Dawson? A Oh, how old he was, no sir, I do not.

BY MR. HUTCHINGS:

Q Do you know who was here attending to your mother's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.

Q Who was W. A. Dawson? A That is Wilburn, my uncle.

Q Was he here? A I don't know sir.

Q You were not here any of the time? A No sir.

Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.

Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?

Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.

Q Very old man when he died? A Yes sir.

BY MR. McKENNON:

Q About what age? A He was approximately 80 years old.

BY MR. HUTCHINGS:

Q When he died? A Yes sir.

BY MR. HASTINGS:

Q That about 1891? A I think so, yes sir.

BY MR. MCKENNON:

Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc, as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q Your name is James R. Dawson? A Yes sir.
Q Where do you live? A Afton, Indian Territory.
Q What is your age? A 45.
Q You are a physician are you not? A Yes sir.
Q Was James Dawson, whose family was admitted in 1834, an uncle of yours? A Yes sir.
Q Do you know what his age was at that time? A No sir, I do not, only approximately.
Q State as nearly as you can? A At the time of the admission?
Q Yes sir? A About 70, I don't know exactly.
Q How old was he when he died? A I would suppose he was about 78.
Q What was your age in 1834? A I am 45.
Q What year were you born, Doctor? A I was born in '55.
Q Must have been '56? A Yes sir, that's right.
Q What was your age then? A In '84?
Q Yes sir? A About 28.
Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.
Q You were present during your father's case? A I was there at the time.
Q When was that? A The dates I disremember; when the case first came up, I disremember the exact date.
Q How long were you there? A I was there about a week.
Q Was that when it first came up you say? A Yes sir.
Q Nothing was done? A No sir.

BY MR. HUTCHINGS:

Q You never saw Dr. Baker? A Yes sir.
Q Did he and your uncle Jimmie used to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?
Q Yes? A I never saw them together.
Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.
Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.
Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.
Q He was near about 70 then? A I couldn't tell you, he was an old looking man.
Q Your uncle Jimmie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

T. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS.

Q State your name? A T. W. Hastings.

Q Residence? A Tahlequah, age 35.

Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.

Q Just state how it happened that you summoned Mr. Campbell Taylor, and what occurred between you with reference to his testimony?

A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I summoned him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is the way set upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it, of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him. Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Benge, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Benge's place to take his affidavit on Saturday, March 15, in the W. H. and J. W. Shoemaker case, and their descendants. I had heard that Mr. Benge knew some important facts in connection with the Shoemaker case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemaker case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Benge knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly, gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. MCKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuasion that I brought to use.

Q He therefore did it simply upon your persuasion? A Yes sir.

Q You knew he had been an attorney for these parties?

A Yes sir, I had seen him several times before that time.

Q And he told you so? A Yes sir.

BY COMMISSIONER: The attorneys for the Five Civilized Tribes, and representatives of the Shoemaker family, will be required to return from the receipt of the transcript in this case, and to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Arthur G. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur G. Evans

Subscribed and sworn to before me this 18th day of December, 1902.

B. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
C Muskogee, I.T., October 2, 1902.

In the matter of the application of JOHN W. GRAHAM, for the enrollment of himself as a citizen by intermarriage, his wife, MISSOURI GRAHAM, and his children, TEMPA V., and ROBERT S. GRAHAM, as citizens by blood of the Cherokee Nation:

- DAWSON CASE-

JOHN W. GRAHAM, called as a witness, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A John W. Graham.
Q What is your age at this time? A I was born in 1844. I am about fifty nine years old.
Q What is your postoffice address? A McLain.
Q Are you the same John W. Graham who made application to this Commission for enrollment as an intermarried citizen of the Cherokee Nation, on July 12, 1900? A Yes sir.
Q Is your wife living at this time? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q Where did you marry her? A In Missouri.
Q When were you married to her? A In 1866.
Q Had you ever been married prior to your marriage to your wife in Missouri? A I never had.
Q Had she ever been married prior to her marriage to you? A She never had.
Q Have you lived together as husband and wife all the time since your marriage to her up to the present time? A Yes sir.
Q Never been separated? A Never have.
Q Were you living together as husband and wife on September 1, 1902? A Yes sir.
Q How long have you been living in the Cherokee Nation? A About fifteen years.
Q Have you lived in the Cherokee Nation all the time for the last fifteen years? A Yes sir.
Q Has your wife lived with you all the time? A She has.
Q You have never been married to any other woman since your marriage to your wife in Missouri, have you? A Never have.
Q Are these two children, Tempa V. and Robert L., are they your children by your wife? A Yes sir.
Q Are they living at this time? A Yes sir.
Q Have they lived in the Cherokee Nation practically all their lives? A Yes sir.
Q Tempa V., was married before you came to the Cherokee Nation? A She was.
Q She has lived here for the last fifteen years? A Yes sir.
Q Robert L. Was born here? A No sir, he was born before we came here.
Q He has lived here for the last fifteen years? A Yes, sir.
-

H. C. Fagwell, on oath states that, as stenographer to the Com-

mission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) E. C. Bagwell.

Subscribed and sworn to before me this October 16, 1902.

(Signed) B. C. Jones,
Notary Public.

--:--

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this ^{15th} day of August 1904.

Charles L. Sawyer
Notary Public.

"12"

Marriage License.

CHEROKEE NATION, I. T.)

Cherokee DISTRICT)

To Any Person Legally Authorized to Solemnize Marriage -Greeting :

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. *Wm. H. H. H.* a citizen of the United States and *Mrs. H. H. H.* a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record, within a thirty days from the celebration of such Marriage, with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office

This the *5* day of *Feb*

A. D. ~~1888~~ 1889

Clerk

District

CHEROKEE NATION, I. T.

Alabama

DISTRICT

I, L. J. McLean

a Minister of the Gospel

hereby certify that on the 2nd day of February 1888.
I joined in Marriage Mr. John H. Grayham a citizen
of the United States and Miss M. J. Davidson a citizen
of the Cherokee Nation, agreeable to the authority given in the within
License and the customs and laws of the Cherokee Nation.

Given under my hand this the 2nd day of Feb

A. D. 1888.

L. J. McLean M. E.

Commissioner of Indian Affairs

I hereby certify that this is a true copy of the original
X. McLean

COMMISSIONERS
HENRY L. DAWES
TAMM HIXBY
THOMAS B. NABLES
C. R. BRACKENRIDGE

ALLISON I. AVIASWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 1, 1902

1002

Mr. John W. Graham,

McLain, Indian Territory.

Sir:

You are hereby notified that the application of **yourself, your wife and two**

minor children

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

17th day of **March,** 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Cherokee D-23
Register.

Acting Chairman.



Cherokee D 23

Muskogee, Indian Territory, April 5, 1902.

A. S. McKennon, Esq.

South McAlester, Indian Ter.

Sir:

In preparing the case of John W. Graham, et.al. for enrollment as Cherokee citizens it is found that in support of his application he presented a certified copy of the Cherokee marriage license and certificate showing his marriage to Missouri Dawson on the 12th day of February, 1898. The copy seems to have been returned to the applicant as it is not found in the files of this case.

In view of the fact that the Department has requested the Commission to transmit copies of all marriage licenses and certificates with the decision in each case it will be necessary to have the marriage license and certificate of the applicant filed with this Commission in order that the Department's request may be complied with.

Please give this matter your immediate attention.

Yours truly,

Commissioner in Charge.

Register

COPY.

18919-1904.
1. . . 7442-1903.
7466- "

J. W. H.

J. P.

FHE

L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 31, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the matter of the application of Francis W. Dawson, et al., for enrollment as citizens of the Cherokee Nation, with your decision of December 23, 1902, in which you disposed of these applications by groups, including Group IX, which will be considered herein, the applications of those persons who claim enrollment through Missouri Graham, formerly Dawson, who was admitted to Cherokee citizenship, September 9, 1884, by decree of the Cherokee Commission on citizenship, of which Eli Spears was President.

Said decree recites that Missouri Dawson (now Graham) and others, "are Cherokees by blood and by treaty, and are justly entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation, and that they should be and are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees."

Title P. 33 refers to the application of John W. Graham, for the enrollment of himself as citizen by intermarriage, and for the enrollment of his wife, the said Missouri Graham, nee Dawson, and his minor children Tempa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation. Missouri Graham, nee Dawson, has resided in the Cherokee Nation since 1838. She and her children, whose names appear above, are identified on the Cherokee census roll of 1896. Her name also appears upon the 1894 roll. On February 12, 1866, she was married to the said John W. Graham. A former marriage was entered into by them under the laws of Texas, in 1866.

Title P. 35 refers to the application of Gideon Graham for the enrollment of himself and his minor children, John W., Julius W., Francis W., Mary W., Jesse W., Gracie W. and Florence W. Graham, as citizens by blood, and for the enrollment of his wife, Elizabeth Graham, as citizen by intermarriage, of said nation. Gideon Graham is the son of the said Missouri Graham, nee Dawson, and was born in the Cherokee Nation. He is identified on the 1896 census roll and has resided in the Cherokee Nation since 1838. On October 12, 1866, he married Elizabeth Graham, nee Rydov, and the children named above are the issue of that marriage. Elizabeth Graham, and the six older children are identified on the census roll of 1896. The youngest child is identified by a birth affidavit.

Title P. 36 refers to the application of Matthew A. Painter for the enrollment of himself as citizen by intermarriage, and for the enrollment of his wife, Laverna A. Painter,

and his minor children, Ada R., Eva P., John F., Ray D., Roberta A. and Roy W. Painter, as citizens by blood of said nation. Laverna A. Winter is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. She is identified on the 1896 census roll and has resided in the nation since her marriage to said Matthew A. Winter, in 1893. He and their three older children are also identified on the census roll of 1896. The three younger children are identified by birth affidavits.

Title I. 1124 refers to the application of Charles E. Bradshaw for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Florence P. Bradshaw and his minor children, Myrtle and Claude Bradshaw, as citizens by blood of said nation. Said Bradshaw was married March 22, 1894, to Florence P. Graham, in accordance with the laws of the Cherokee Nation. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. Florence P. Bradshaw, nee Graham, is identified on the 1894 strip payment roll, and has resided in the Cherokee Nation since 1893. Their children named above are identified by birth affidavits.

Title I/1125 refers to the application of Joe E. Graham for the enrollment of himself and his minor child, William C. Graham, as citizens by blood of the Cherokee Nation. Said Joe E.

Graham is a son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 tribal payment roll, and has resided in the nation since 1884. He married Mary Bradshaw on January 6, 1888. William C. Graham is the issue of that marriage. He is identified by a birth affidavit.

Title B. 1126 refers to the application of John W. Graham for the enrollment of himself and his two minor children, Eliza M. and Robert Lee Graham, as Cherokees by blood. Said John W. Graham is the son of the said Missouri Graham, nee Dawson and was a minor when his mother was admitted to citizenship. He is identified on the 1896 roll and has resided in the Cherokee Nation since 1884. His children, who are the issue of his marriage to Mattie Dawson, a non-citizen, on February 11, 1900, are identified by birth affidavits.

Title C. 1127, refers to the application of James Neal for the enrollment of his wife, Joe Willie Neal, nee Graham, as a citizen by blood. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. He is identified on the 1894 roll and has resided in the nation since 1888.

Title D. 1128, refers to the application of James M. Graham for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Fessie Graham, as a citizen by intermarriage. The said James M. Graham is the son of

the said Missouri Graham, nee Lawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 roll and has resided in the nation since 1884. On November 2, 1900, he was married to Bessie Willis. The six children named above are the issue of that marriage. The oldest child, Marion, is identified on the roll of 1894. The other children are identified by birth affidavits.

The residence of all minor children referred to herein is considered to be that of their parents.

In your decision of December 23, 1900, you held that all of the applicants mentioned above are entitled to enrollment.

Reporting relative to this group October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, in so far as it related to those applicants claimed by blood, and as to those claiming intermarriage he recommended that no action be taken at this time.

The Department concurs in the recommendation of the Commissioner, and you are directed to enroll the applicants named above who claim by blood.

The attorney for the Cherokee Nation objects against the enrollment of these applicants, alleging that the decree of the tribal court upon which these claims depend, was obtained through fraud. In this connection, see opinion of the Assistant Attorney General of February 13, 1904, in the Lawson case, copy of

-7-

which was forwarded to you February 24, 1904.

A copy of Indian Office letter relating to this group is inclosed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

Enclosure.

COPY.

Refer in reply to
the following:
LAND
13855-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, October 16, 1903.

CHEROKEE ENROLLMENT.

Francis M. Dawson, et al.

GROUP IX.

The Honorable,
the Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting Group I
of this consolidated case, there is enclosed herewith the record
relative to the parties applicants to Group IX. of the Francis M.
Dawson, et al. case.--

D. 33, Group IX. page 1.

John V. Graham applies for the enrollment of himself as an
intermarried citizen, and for the enrollment of his wife, Missouri
Graham, and their minor children, Tempa V. and Robert V. Graham,
as citizens by blood of the Cherokee Nation.

D. 35, Group IX. page 5.

Gideon Graham applies for the enrollment of himself and
his minor children, John V., Julia C., Francis W., Mary E., Jesse E.,
Gracie M. and Florence M. Graham, as citizens by blood, and for the

enrollment of his wife, Elizabeth Graham, as a citizen by inter-marriage.

D. 836, Group IX. page 11.

Matthew M. Painter, applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Levarna, A., and their children, Ada E., Eva P., John W., Ray D., Robert A., and Roy V. Painter, as citizens by blood. Roy V. was born after the date of his father's original application and is identified by birth certificate.

D. 1124, Group IX. page 21.

Charles T. Bradshaw applies for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Florence P., and their minor children, Myrtle and Claude Bradshaw, as citizens by blood.

D. 1125, Group IX. page 25.

Joe M. Graham applies for the enrollment of himself and his minor child, William C. Graham, as citizens by blood.

D. 1126, Group IX. Page 23.

John F. Graham applies for the enrollment of himself and his minor children, Edna M. and Robert Lee Graham, as citizens by blood. Robert Lee Graham was born after the date of his father's original application, and he is identified by a birth affidavit.

D) 1127. Group IX. Page 26-1/2.

James Neal applies for the enrollment of his wife, Joe Willie Neal, as a citizen by blood.

D. 1128. Group IX. page 38.

James M. Graham applies for the enrollment of himself and his children, Marion, Maggie, Luther, Liddie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as an intermarried citizen. Floyd Graham was born after the original application and is identified by a birth affidavit.

The Commission in its decision of December 23, 1902, held that all the applicants above named, except Liddie and Margaret Graham, who died prior to September 1, 1902, were entitled to enrollment---- John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw and Bessie Graham, as citizens by intermarriage, and the others as citizens by blood.

John W. Graham, (Group IX. page 1), February 12, 1888, married Missouri Dawson, who was admitted to citizenship by the Spears Commission or Court, September 9, 1884. This Court was composed of Eli Spears, John Lee, Andrew Young, John L. Adair was clerk pro tem of the Court. The marriage of February 12, 1888, was performed in accordance with the laws of the Cherokee Nation. John W. Graham and his wife, Missouri, were first married in 1866, in accordance with the laws of the State of Texas. John W. Graham and his wife have lived

in the Cherokee Nation since 1888. His name, the name of his wife and the names of his two children appear on the 1896 Cherokee census roll.

Gideon Graham, (Group IX. page 5), is the son of John W. and Missouri Graham, and was a minor when his mother was admitted to citizenship in the Cherokee Nation. He was married to Elizabeth Graham nee Sydow in accordance with the laws of the State of Texas, October 10, 1886. Gideon Graham, his wife and all of their minor children, except Florence N., are identified by the 1896 census roll. Gideon Graham and his family appear to have lived in the Cherokee Nation since 1888. Gideon Graham is identified by the 1894 roll.

Matthew A. Painter, (Group 9, page 11), was married to Laverna A. Painter nee Graham, under the Cherokee law, August 19, 1888. It seems that these parties were first married, September 22, 1887, but not in accordance with the laws of the Cherokee Nation. Laverna A. Painter is the daughter of John W. and Missouri Graham. She was a minor when her mother was admitted to citizenship. Matthew A. Painter, his wife and minor children, except Ray D. Robert A. and Roy F., are identified by the 1896 roll. From the record it appears that the principal applicant and his family have lived in the Cherokee Nation since 1888.

Charles T. Bradshaw, (Group IX., page 21), was married to Florence Bradshaw nee Graham in accordance with the laws of the Cherokee Nation, March 24, 1894. Florence Bradshaw is a daughter of John W. and Missouri Graham. Missouri Graham was admitted to citizenship September 9, 1884, under the name of Dawson. From the record

it does not appear that the name of Charles T. Bradshaw is found on any of the rolls of the Cherokee Nation. Florence Graham is identified by the 1894 census roll. Florence Bradshaw and her family appear to have resided in the Cherokee Nation since 1888.

John F. Graham , (Group IX. page 33), is the son of John W. and Missouri Graham. Missouri Graham was admitted to citizenship September 9, 1884, and the principal applicant was a minor when his mother was admitted. He was married to Mattie Lawson, February 11, 1900. Mattie Lawson is a non citizen. His name appears on the 1894 pay-roll, but does not appear on the 1896 roll.

James Neal, (Group IX. page 36-1/2), is a recognized citizen of the Cherokee Nation by blood and is enrolled as such. He was married to Joe Willie Neal nee Graham, a daughter of Missouri Graham, who was admitted to citizenship September 9, 1884, under the name of Lawson. The name of Joe Willie Neal is found on the 1894 pay-roll as is also the name of her husband. She was a minor when her mother was admitted to citizenship, and she has lived in the Cherokee Nation since 1888.

James M. Graham, (Group IX. page 38), is a son of John W. and Missouri Graham. Missouri Graham was admitted to citizenship in the Cherokee Nation, September 9, 1884. November 2, 1902, James M. Graham was married to Bessie Willis, in accordance with the laws of the Cherokee Nation. The name of James M. Graham is found on the 1894 pay-roll. Marion Graham is also identified by that roll. The

other minor children are properly identified by birth affidavits.

In connection with this Group, attention is respectfully invited to office report of even date transmitting Group 1, and for the reasons therein stated the approval of the Commission's decision is recommended, except as to John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw and Bessie Graham, who apply for enrollment as intermarried citizens.

As hereinbefore stated, the record shows that Liddie and Margaret Graham died before September 1, 1902.

Attention is also invited to Department letter of June 10, 1903, (I.P.P. 3386), in the Martha Hill case.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

C.A.V.-L.C.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, February 10, 1903.

A. S. McKennon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie M. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Bessie Atkins, Arthur Atkins, Edna F. Atkins, Edward C. Atkins, George J. D. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Nerman, John Dawson, Robert B. Dawson, Iola L. Dawson, Lemuel H. Dawson, Rosa E. Dawson, Charles L. Dawson, Mattie J. Dawson, Jennings E. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

Dawson, Council J. Dawson, Elmer A. Dawson, Clee Dawson, Emma W.
Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Willie
Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Lillie
Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W.
Moore, Edna B. Moore, Henry A. Blasingame, Vinnie C. Blasingame,
Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame,
Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame,
William A. Blasingame, George L. Blasingame, Grace F. Blasingame,
Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Elmer A.
Patterson, Edgar B. Patterson, Thomas M. Patterson, Merrill W. Patterson,
son, William C. Dawson, Robert L. Dawson, Elbert F. Dawson, James R.
Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, William
J. Spickerman, William Glenn Spickerman, Missouri Graham, Tessa W.
Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius M.
Graham, Francis W. Graham, Mary E. Graham, Jesse E. Graham, Grace
M. Graham, Florence M. Graham, Laverna A. Painter, Ada E. Painter,
Eva F. Painter, John W. Painter, Ray D. Painter, Roberta A. Painter,
Lou W. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Brad
shaw, Joe E. Graham, William C. Graham, John F. Graham, Edna E. Gra
ham, Robert Lee Graham, Joe Willie Deal, James H. Graham, Carlton
Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Graham,
Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William
D. Harmon, Toshie A. Jackson, Fannie Lenox, Bertie E. Lenox, Myrtle
Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Mittie
Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah T. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

You have heretofore been furnished with a copy of the record of proceedings had in this case.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-45.

Register.

COPY.

Cherokee D-384.

Muskogee, Indian Territory, February 25, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings and in the consolidated case of Francis M. Dawson et al, application for enrollment as citizens of the Cherokee Nation, including the Commission's decision, dated December 23, 1903, granting said application as to Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson Jr., Samuel R. Dawson, August Dawson. Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Lola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles L. Dawson, Hattie J. Dawson, Jennings E. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Mina W. Bogle, John H. Bogle, Marvin R. Bogle,

Claud Bogle, Nancy Edith Bogle, Joseph B. Dawson, Clarence E. Dawson, Council J. Dawson, Elmer A. Dawson, Clec Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Lora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame Jr., Elmer H. Blasingame, James A. Blasingame, William A. Blasingame, George L. Blasingame, Grace L. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Virgil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen J. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Laverna A. Painter, Mary E. Graham, Jesse F. Graham, Gracie M. Graham, Florence M. Graham, Ada R. Painter, Eva P. Painter, John W. Painter, Roy D. Painter, Roberta A. Painter, Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John F. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James L. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon, Dwight Harmon, William D. Harmon, Toshie A. Jackson, Fannie Lenox, Birtie F. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,

Kittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna Flournoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Drauer, Lula Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie B. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and Hattie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Julawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Fogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Farmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, May Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson, and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

-4-

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

(Signed) TAMS BIRBY,

Chairman.

Enc. M-135.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that there has this day been transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, together with the Commission's decision in said case, and the protest of the Cherokee Nation against said decision, dated February 6, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,
(Signed) TAMS DINDY,
Chairman.

COPY.

Cherokee D-324.

Muskogee, Indian Territory, February 25, 1903.

A. S. McFennon,

Attorney for Francis M. Dawson, et al.,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(Signed) TAMS BIXBY,

Chairman.

Cherokee
D. 23.

Muskogee, Indian Territory, December 19, 1906.

John W. Graham,

McLain, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 4, 1906, and your application denied.

Respectfully,

Commissioner.

LMC

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

A. E. McCreannon,

Attorney for Vatie Dawson,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Vatie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Department December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. W-10
E.W.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 18, 1906.

W. H. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. W- 1
P. H.

D.C. 53540-1906.

(COPY)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.
L.B.

I.T.D. 7442, 7444,
7446, 7448,
7450, 7452,
7454, 7456,
7458, 7462,
7464, 7466,
7905-1903.

December 4, 1906.

L.A.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis T. Rife et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Katie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Sulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blessingame, Mary A. Blessingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (formerly Jones), John V. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James M. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Wiram E. Waddle, Alonzo V. Fishback, Lizzie Jackson, and George A. Mabry, as cit-

izens by intermarriage of the Cherokee Nation, mentioned in letter of the Commission to the Five Civilized Tribes of February 25, 1903, submitting the record in the consolidated case of Francis W. Dawson et al., are rejected. See eleven departmental letters of March 31, 1904, and letters of April 8 and 13, 1904.

The papers still remaining in the Department have been returned this day to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

23 inc. to Ind. Of.

Cher R 1023

Cher R 1023

Department of the Interior,
Commission to the Five Civilized Tribes,
Fairland, I. T., July 12, 1900.

In the matter of the application of Hiram M. Wood et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Needles he testifies as follows:

- Q What is your name? A Hiram M. Wood.
Q What is your age? A Fifty-two.
Q What is your post-office? A Zenia.
Q You make your residence there? A Yes sir.
Q You live then at Zenia? A Yes sir.
Q How long have you lived there? A Two years this last February.
Q Where did you live prior to that time? A Ten miles north of Aston.
Q How long have you lived in the Territory? A In the Cherokee Nation since 1895.
Q Where did you live prior to that? A I lived six years in the Peoria Nation.
Q Where were you born? A In the State of Indiana.
Q Are you a Cherokee by blood? A No sir.
Q Do you make application as a Cherokee by intermarriage? A Yes sir.
Q Have you ever applied to the Dawes Commission before for citizenship? A No sir.
Q Did you ever apply to the authorities of the Cherokee Nation? A Not before this time.
Q Is your name upon the roll of 1880? A No sir.
Q Is it upon the authenticated rolls of 1896? A I think so.
Note: 1896 roll examined, Delaware District, page 594, #693, Hiram Wood.
Q Are you married? A Yes sir.
Q Under what law were you married? A Cherokee law.
Q Have you your marriage license? A No sir.
Q No marriage certificate which you desire to present in this case here? A I haven't it. I left my marriage license and certificate with the preacher that married me, and never was able to get it any more.
Q Did you have a license? A Yes sir.
Q Where were you living at the time of your marriage? A Peoria Nation.
Q What was your wife's name at the time that she was married? A Amanda Boyle.
Q Her name upon the rolls of the Cherokee Nation? A I think so.
Q Her name on the roll of 1880? A Yes sir.
Note: 1880 roll examined, page 201, #141, Amanda Boyle, Delaware District, as "Adopted white."
Q When your wife was registered in 1880 she was the wife of John Boyle? A My understanding is she was registered in 1870, that is when the Shawnees come here.
Q Was she an adopted Shawnee or a Shawnee by marriage? A She will have to answer that, I am not able to do so.

--
Amanda Wood, being sworn and examined by Commissioner Needles testifies as follows:

- Q What is your name? A Amanda Wood.
Q What is your age? A Fifty-six.
Q Where do you reside? A Zenia, Indian Territory.
Q You make that your residence? A Yes sir.
Q How long have you lived there? A Three years now.
Q Where did you live before that? A Lived between Aston and Miami.
Q In the Cherokee Nation? A Yes sir.

Hiram M. Wood et al #2
Amanda Wood witness #2

- Q How long have you lived in the Cherokee Nation? A Thirty years.
- Q Are you a Cherokee by blood? A No sir.
- Q What are you by blood? A A white woman, and registered Shawnee.
- Q What was your ~~first~~ husband's name? A J.W. Boyle.
- Q When were you married to J. W. Boyle? A In May, 1870.
- Q When did J.W. Boyle die? A In 1885.
- Q you lived with him until his death? A Yes sir.
- Q And you were a white woman? A Yes sir.
- Q After the death of Mr. Boyle did you re-marry? A Yes sir.
- Q Who did you marry? A Hiram Wood.
- Q Was he a white man? A Or a Cherokee? A White man.
- Q What is the date of that marriage? A 3rd day of February 1895.
- Q Are you upon the authenticated rolls of 1880? A Yes sir.
- Q At that time you were the wife of Mr. Boyle? A Yes sir, I think I am on all the rolls.
- Q You are a white woman yourself and your present husband is a white man? A Yes sir.
- Q Have you any children? A I had at the time.
- Q Have you any children living now under twenty-one years of age? A No sir, I have a grand-child.
- Q You are applying now just for yourself? A And my grand-child if I am permitted.
- Q What is the name of your grand-child? A Charles H. Lassley.
- Q Its mother's name? A Mary L. Boyle.
- Q Mary L. Boyle on the roll of 1880? A Yes sir.
- Q Is she dead? A Yes sir.
- Q When did she die? A In 1898.
- Q How old is this child? A Two yearsold, it was born in 1898.

Examination by Att'y Hutchings, for Cherokee Nation:

- Q How did your husband, John Boyle, become a Shawnee? A By intermarriage.
- Q He was a white man himself? A Yes sir.
- Q His wife died and he married you, a white woman, before he came to this country? A Yes sir, we enrolled here with the Shawnee Tribe in 1871.

Examination by Com'r Needles:

- Q What was the father's name of this child? A Harlin Lassley.
- Q Was he a white man? A Yes sir.

Examination by Att'y Hutchings:

- Q The child was born before ever you married Boyles? A No sir. She married Harlin Lassley.

Examination by Com'r Needles:

- Q Is Harlin Lassley alive? A Yes sir.
- Q Have you the child in your possession? A No sir, he is here now.
- Q He ought to apply for the enrollment of his child? A He has given it away. The child's father I don't know where he is, the child is here.

Examination by Att'y Hutchings:

Hiram M. Wood et al #3

Amanda Wood, witness #3

Q The child is not living with you, and you have no control over it? A Somebody ought to represent it; it has got a right here if any of us have.

Attorney Hutchings here submits law bearing upon this case, to-wit: Section 659 of the compiled Laws of the Cherokee Nation, 1892, and the sections following, and section 666.

Note: Mrs. Wood appears upon the roll of 1880, Delaware District, page 221, #141, as Amanda Doyle.

Examination by Com'r Needles:

Q You have no married children? A No sir.

Q It appears that your name is on the regularly authenticated roll of 1880, and that the name of your husband, H. M. Wood, is upon the Census roll of 1896 as Hiram Wood, and he is identified as being the same person, but the law of the Cherokee Nation in regard to the intermarriage of citizens with white persons is such that the commission is not able to determine at this time as to your rights of citizenship, nor as to the rights of Mr. H. M. Wood, who applies with you. Your names will be placed upon what is known as a doubtful card, and your case will be considered by the Commission when they make up the final rolls of the Cherokee Nation. A Decision of the commission, in extenso, will be forwarded to you and Mr. Woods in the near future, by mail. If you desire, either of you, to offer any other evidence, documentary evidence, affidavits, or to give any oral testimony in regard to your case you will be permitted to do so.

Applicant, Hiram M. Wood, makes statement, as follows:

Mr Doyle paid for his and his wife's right in the Nation here when they came. Paid in the amount that was prescribed to be paid for admission.

Q Did they pay this, or did the Shawnees pay it? A (No answer from Hiram M. Wood, but Amanda wood says: Paid like the rest of them paid it.

Amanda wood, examined by Att'y Hutchings:

Q Have you ever taken any land in the Peoria Nation? A No sir.

Q How come you to reside there all the time? A I never resided there.

Q Didn't you state that you resided there? (Amanda Wood does not answer, but Hiram M. Wood says: I did, before I was married.

Commissioner Needles:

And you will be permitted, either or both of you, to appear before the commission at any time, either by person, in support of your claim for citizenship, or attorney, at the offices of the commission at Muskogee, at any time before the rolls are made.

H. D. Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 13th day of July 1900.

Commissioner.

12-7
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 12 1900

[Handwritten signature]

CHEROKEES BY BLOOD AND ADOPTION.

521
 Name *Ciram M. Wood* Date *July 12,* 1900.
Yemassee, S.C.
 District *Yemassee* Year *1896* Page *394* No. *603*
 Citizen by blood Mother's citizenship *U.S.*
 Intermarried citizen *CHEROKEE* Intermarried *Shawnee*
 Married under what law Date of marriage *Feb 28 1895*

528
 License Certificate
 Wife's name *Amanda Wood*
 District *Yemassee* Year *1880* Page *271* No. *111*
 Citizen by blood Mother's citizenship
 Intermarried citizen *Intermarried Shawnee*
 Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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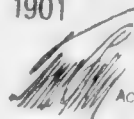
11
 12
11 Race is Ciram Wood
12 Intermarried Shawnee

1 27

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

3 1901



ACTING CHAIRMAN

HENRY I. DAWES
JAMES HIXBY,
THOMAS H. NEEDLES
C. R. BRECHENRIDGE

COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON I. AYTHSWORTH,
SECRETARY

_____ for enrollment as
citizens of the Cherokee Nation.

No. 12

15

March 27

W. H. KORNIGAY

CHIEF OF POLICE

TO THE HONORABLE SECRETARY OF THE INTERIOR

Washington, D. C.

I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours,
W. H. Kornigay

I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Yours,
W. H. Kornigay

Very respectfully,

W. H. Kornigay

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 21, 1901.

In the matter of the application of Hiram M. Wood et al. for
enrollment as Cherokee citizens.

Supplemental testimony on behalf of the Applicant.

Appearances:

W. H. Kornegay, attorney for applicants;
J. L. Baugh, Cherokee Representative.

Mr. Kornegay: I want to refer to the Shawnee Roll, I think
it is of 1871, anyway, it is the Registered Shawnee Roll, and
call your attention to the fact that the name of this applicant
is on that roll, Amanda Wood, but it appears on there as
Amanda Boyle.

Commissioner: The applicant calls attention to the fact
that on the register of the names of members of the Shawnee
Tribe of Indians who have moved to and located in the Cherokee
Nation, Indian Territory, prior to 10th of June, 1871, within
two years from the 9th day of June, 1869, in accordance with
the agreement entered into by and between the Shawnee Tribe
of Indians and the Cherokee Nation, through their delegates in
Washington City, D.C., United States of America, on the 7th
day of June, 1869, and approved by the President on the 9th
of June, 1869, in accordance with the 15th article of the
Cherokee Treaty with the United States, proclaimed August 11,
1866; in the printed copy in the hands of the Cherokee
Nation, No. 16, is found the name of one Amanda Boyles.

Mr. Kornegay: Now I want to introduce in evidence 6533 of
the compiled Laws of the Cherokee Nation, 1892.

JOSHUA W. McDENIEL, being duly sworn by Commissioner

Now lawfully sworn, deposes as follows:

Mr. Kornegay: What is your name? A Joshua W. McDaniel.

What is your post-office? A Miami, Indian Territory.

How old are you? A 57 last June.

Your occupation? A Minister of the Gospel.

How long have you been a minister? A Been an ordained minister
about 27 years.

Where were you living in the year 1895? A Living in Miami.

Did you know Hiram Wood during that year, the applicant? A Yes,
sir.

Do you know his present wife, Amanda Wood? A Yes, sir.

Do you know when they were married? A Yes, sir.

When? A They were married in 1895, on the 3rd day of February.

Where? A At Mr. Lytle's residence in the Cherokee Nation.

Did you perform the ceremony? A I did.

Did they either then had a license? A Yes, sir.

From what authorities was this license obtained? A It was ob-
tained from the Cherokee authorities.

What was the date of that license? A I filled them out and mailed
them to the address of who made out the license, Mr. John Funch, to
Vinita, this city.

Do you say you filled out the license? A I do not mean by filling
out the license? A Putting down the date when signed and who by.

Where was it deposited then in the mail? A Yes, sir.

Well, what became of it after that, is it there? A I do not.

When it ever returned to you? A It has not; it is my custom
always to file on the envelope, if not were you put a time, to
be returned to the office wherever I mailed, that is, official work.

A. G. WOODS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Kornegay: What is your name? A. A. G. Woods.
 Q How old are you? A. 29 years old.
 Q What is your postoffice? A. Zena, Indian Territory.
 Q What relation are you to the applicant, Hiram M. Woods? A. A son.
 Q You a son by which marriage? A. By his first marriage.
 Q When did he marry the last time? A. Amanda Boyles.
 Q When? A. In 1895.
 Q Do you know where he got his license to marry her? A. At Vinita.
 Q When from? A. John Duncan.
 Q Who was he? A. Clerk.
 Q Clerk of what? A. Delaware District.
 Q Of what Nation? A. Cherokee Nation.
 Q Were you present at the time that he got the license? A. Yes, sir.
 Q Do you remember whether he had any document of any kind that he presented to the clerk at that time in order to procure that license?
 A. He did.
 Q What did he do with them? A. Gave it to the clerk.
 Q And then the clerk issued the license? A. Yes, sir.
 Q Do you know whether he paid the clerk for issuing the license?
 A. He did.
 Q Do you know what he paid him, do you remember? A. \$10.
 Q How long afterwards before he was married? A. About three days, three or four days.
 Mr. Baugh: Are you a citizen of the Cherokee Nation? A. No, sir.
 Q Did you see that paper that you say your father gave to the clerk?
 A. No, sir.
 Q You didn't see it? A. No, sir.
 Q You don't know what it was he gave him? A. No, sir.
 Q Did your father go around and get the requisite number of signers in order to get the license? A. I heard him say he did.
 Q You didn't see it? A. No, sir, I wasn't staying at home, and I don't know that.
 Q You don't know anyone that signed it? A. No, sir, only what I heard he say that signed it, I didn't see it.

HIRAM M. WOOD, the applicant, called to the stand, testified as follows:

Mr. Kornegay: Give us your name? A. H. M. Wood.
 Q You say in your original testimony that you married under the Cherokee law; I will ask you if you got signers? A. Yes, sir.
 Q Do you remember who some of the signers were? A. It has been some little time, I can recollect most of them yet, Fred Garrett was one.
 Q Mr. Wood, what became of the license after they issued it to you?
 A. I left them with Elder Daniels and he returned them, I never heard of them any more.
 Q Did you ever search the records to see whether or not they are on record? A. Yes, sir, Mr. Hastings was clerk, I made an application for my license and he notified me it, there was no record of my marriage.
 Q Who was the clerk at the time you got the license? A. John Duncan.
 Q State whether or not you presented any certificate or anything of the sort as to your former residence at the time you got the license? A. Why I presented the 12 signers and also a certificate that he required of me from the County that I had last voted in in the State and also with the County seal upon it, and I also left it with him, where I voted last.
 Q The woman that you married, do you know whether she is on the Shawnee rolls or not? A. To the best of my knowledge she is on the Shawnee roll, there as a registered Shawnee.

Mr. Baugh: When you married your wife, did you know whether she was a white person or Indian woman? A I knew her to be a Shawnee Indian.

Q Didn't you know her to be a white woman? A No, sir, I knew her to be a Shawnee.

Q Then when she swore in the testimony here a short time ago that she was a white woman, she didn't swear the facts? A Well I didn't know her as the blood, I knew her as the tribal.

Q Is an intermarried Shawnee? A No, sir, as a registered Shawnee.

Q Well, you know she is a white woman too, didn't she tell you that? A Well I can't say that we ever had a talk upon the blood question, I knew her as a tribal Shawnee.

Q Well, were the signers to your petition, were they all Indians by blood? A Yes, sir.

Q When you made application to the District Clerk, was he apprised of the fact that your wife was a white woman and wasn't an Indian? A I made two efforts to get my marriage license, I came with my citizens and he refused them.

Q What I want to know is, did he know whether she was a white woman or not? A I would be able to tell you what he knew.

Mr. Kornegey: (Exhibiting letter) I want to offer this letter as the foundation for introducing secondary evidence as to the marriage.

Commissioner: Applicant asks to file a letter, signed by W. H. Kornegey, addressed to A. B. Gunmaker, Executive Secretary, and the same will be filed.

FREDERICK GARRETT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Kornegey: What is your name? A Frederick Garrett.

Q What is your citizenship? A I am a Shawnee by blood.

Q A recognized Shawnee? A Yes, sir, claim to be.

Q Do you know Hiram Wood? A Yes, sir.

Q Know Amanda Wood? A Yes, sir.

Q I will ask you if you signed the petition for Hiram Wood to marry Amanda Wood? A Yes, sir, I did.

Mr. Baugh: What is Amanda Wood? A Why she is a white woman, I think, married into the Territory, as far as I understand.

Q What was Mr. Hiram Wood, what was he, a white man or an Indian?

A White man I suppose.

Q And he married a white woman? A Why she was white before she married into the Territory.

Mr. Kornegey: Do you know whether she is on the Registered Shawnee roll of '68 or '70? A No, sir, I don't know that.

Q Do you know whether she came here with the Shawnees? A I don't know about that.

BRUCE C. JONES, being duly sworn, says that as stenographer to the Commission to the Six Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 25th of October, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application
of Hiram M. Wood et al for enrollment as Cherokee citizens.

Appearances:

W.H.Kornegay, of Vinita, I.T., Attorney for applicants;
W.W.Hastings, attorney for Cherokee Nation.

BY MR. KORNEGAY:

The applicant, Amanda Woods, contends that she being a Registered Shawnee, settling in the Nation under the provisions of article 15 of the Treaty between the United States Government and the Cherokee Nation, followed by the agreement between the Shawnees and Cherokees, she then and there acquired all the rights of a native Cherokee citizen, and her standing is that of a native Cherokee; that such being the case, and she having resided in the Nation since then, and her name appearing on the roll of 1880, and others, that she is entitled to enrollment.

The applicant, Amanda Woods, contends that it has been proven in this case, both by an inspection of the rolls themselves and by oral testimony, that her name appears upon the Registered Shawnee roll as well as the roll authenticated of 1880, as well as other rolls, appearing prior to February 3rd, 1895, as Amanda Boyle, and after that time as Amanda Woods. It is supposed by the applicant, Amanda Woods, that the Cherokee Nation objects to her being enrolled solely upon the ground that she has forfeited her rights to citizenship in said Nation by virtue of her marriage to Hiram M. Wood, a citizen of the United States, on February 3, 1895; believing, though not assured, that this is the sole contention of the Cherokee Nation in this matter, she further contends that her status being that of a native Cherokee, there was no law of the Cherokee Nation forfeiting her citizenship by reason of her marrying Hiram M. Wood. She further contends that the law that the Cherokee Nation passed upon the subject did not apply to a person situated as she was, and never was intended to ~~apply~~ so apply by the Cherokee legislature in passing. That if they had undertaken and intended that it should apply to a person situated as she was that it would have been in violation of the treaties between the Cherokee Nation and the United States and in violation of the agreement between the Shawnees and the Cherokee Nation, and therefore was of no validity and effect, so far as she was concerned.

The applicant further contends that the law of the Cherokee Nation passed upon the subject never did apply to a woman. That under the law passed upon the subject, section 653, a marriage between a female citizen of the Nation, where she be such by virtue of being incorporated and adopted into the tribe as a Shawnee, Delaware, white intermarried person or otherwise, was either a nullity or else it had the effect of adoption of her spouse. The portion of the section referred to being as follows: "No marriage between a citizen of the United States or of any foreign nation and a female citizen of this nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

That the provisions therein referred to are embodied in sections 659, 660, 661 and 662, of the Compiled Laws of the Cherokee Nation, as follows:

"Section 659: Whereas, the peace and prosperity of the Cherokee people require, that, in the enforcement of the laws,

jurisdiction should be exercised over all persons whatever, who may from time to time be privileged to reside within the territorial limits of this Nation, therefore, every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. And, unless such information be freely furnished to the satisfaction of the clerk, no license shall issue."

"Section 660: Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares, or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with "a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter."

"Section 661: Before any license as herein provided shall be issued, the person applying shall be, and is hereby required to pay to the clerk to whom application is made, the sum of five dollars, for the benefit of said clerk, and the additional sum of five dollars for the benefit of the Cherokee Nation; and all sums, so received for the benefit of the Nation, shall be turned over by the clerk, to the national treasurer, on the first Monday in November of each year, beginning with 1881, and be also required to take the following oath:

"I do solemnly swear, that I will honor, defend and submit to the constitution and laws of the Cherokee Nation, and will neither claim, nor seek, from the United States, or any other government, or from the judicial tribunals thereof, any protection, privilege or redress incompatible with the same, as guaranteed to the Cherokee Nation by the United States in treaty stipulations entered into between them. So help me God."

"Section 662: Marriages, contracted under the provisions of this act, shall be solemnized as provided by the laws of this Nation, or otherwise shall be null and void."

That under that law if she married at all in the limits of the Nation she necessarily must adopt the man that she marries, and that under the treaties with the United States and the Cherokee Nation, it was beyond the power of the Cherokee Nation to pass a law forfeiting her citizenship on occasion of her marrying, as being void.

She further contends that her name appearing on the roll of 1880, under the act of June 28, 1898, it is the duty of this Commission to enroll her the moment that that fact appears, as they have no discretion whatever to inquire into the status of any person for any cause whatever whose name appears upon the roll of 1880.

She further contends that under the Cherokee law on the subject of forfeiture, no forfeiture could occur except it was prosecuted in the district where the marriage took place, to a judgment, prior to January 1st, 1898; that the provision, so far as forfeiture is concerned, of the Cherokee law, was superseded by the Act of June 7th, 1897, which provided that

"From and after the first day of January, 1898, all persons in the Cherokee Nation, irrespective of citizenship, should be subject to the laws of the United States."

That if there was no law of the United States forfeiting her citizenship from and after that time the forfeiture not having been declared prior to that time, it was impossible for the Cherokee Nation either by authority of this Commission or in her own courts, or anywhere else, to declare that forfeiture under that law, as the remedy had been prescribed by the law itself.

She further contends that as the Cherokee Statute on the subject of forfeiture had provided the remedy, which was the remedy provided in ordinary civil suits, that the Cherokee Statute of limitations began to run the moment that the marriage took place between her and Hiram Wood, and to-wit, on the 3rd day of February, 1895, and that two years thereafter the Cherokee Nation under the law could not at any time insist upon the plea of forfeiture.

The provisions of the Cherokee law referred to being found, article 9, of the Compiled Laws of the Cherokee Nation, edition of 1892.

She further contends that her name appearing on the roll of 1896, that the only thing that could be done towards ~~fix~~ investigating her rights to debar her of them would be to examine that roll and see, and also the circumstances under which she came on that roll, and see whether or not her name was placed there by fraud or without authority of law, and being there the presumption is, which is undisputed in this case, that it was rightfully placed there, and she should be enrolled on that.

The applicant, Hiram M. Woods, contends that under the provisions of the Cherokee law regulating intermarriage between white men and female citizens of the Cherokee Nation, whether by blood or adoption, or whether by treaty with the Shawnees or by intermarriage, that it was incumbent in order to make a legal marriage within the limits of the Cherokee Nation where this marriage ceremony was performed, that the white man should go through with the formalities prescribed in that statute, and should actually pay to the Cherokee Tribe five dollars in addition to the regular fees for issuing the license, and that he complied in every way with the provisions of this section of the statute bearing upon the point, namely sections 659, to 662, and that no matter what his spouse was, whether an adopted white or a Shawnee, that he became thereby adopted into the Tribe.

His contention is that the standing of Amanda Boyle at the time that he married her and at the time he complied with the requisites laid down in those sections was that of a native born Cherokee woman, and that in marrying her as he did under that law he thereby became adopted, and is entitled to enrollment as an adopted citizen of the Cherokee Nation.

His further contention is that the rights of Amanda Boyle could not under the law and were not forfeited by her marrying him on February 3rd, 1895, and that the forfeiture cannot now be declared as the Statute of Limitations has run, and no steps whatever were ever taken by the Cherokee Nation to declare such forfeiture except for the appearance of her representatives before the Commission in opposition to his enrollment, and that this appearance did not take place until after the statute of limitations had run and until after under the law of the United States the subject of a forfeiture of citizenship by marrying out had been legislated upon, and that law has been done away with.

He further contends that his name appearing on the roll of 1896, which was made by the Cherokee authorities, that they themselves had placed a construction upon their own laws to the ef-

fect that he in marrying this woman as he did he became an adopted citizen, and that this Commission should follow that construction so placed by the Cherokee authorities, and that his name appearing thereon, unless the Cherokee authorities can show to the contrary, the Commission should take it as prima facie evidence of its being rightfully there.

BY MR. HASTINGS: The Representatives of the Cherokee Nation contend that the roll of 1850 is binding upon the applicant as her status is described thereon, and that this roll is confirmed by an act of Congress, which settles her status. That she appears upon the roll of 1880 as an adopted white, and that therefore when she married Hiram M. Wood, admitted to be a white man, that she forfeited her rights to citizenship by intermarriage or adoption in to the Cherokee Nation, as provided in section 666 of the Compiled Laws of the Cherokee Nation, 1892:

"Section 666: Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be,) having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The Cherokee Nation contends that limitation does not run against the Cherokee Nation, as has been stated in numerous instances by the Supreme Court of the Cherokee Nation, and that this Commission is compelled to accept the construction placed upon that law by the Cherokee Nation itself, as provided in section 21 of the Curtis Bill.

The Cherokee Nation further contends that inasmuch as their courts were abolished by the Act of Congress cited by the attorney for the applicant, that jurisdiction in citizenship matters was transferred from the Cherokee authorities to this Commission, and that this Commission is charged under section 21 to enroll "such intermarried white persons as may be entitled to citizenship under Cherokee law", and that if Amanda Wood had forfeited her right to citizenship under Cherokee law that this Commission is compelled to take judicial knowledge of it and to apply the Cherokee law to each applicant for enrollment to citizenship in the Cherokee Nation.

The Cherokee Nation does not admit that Hiram M. Wood married in accordance with the laws of the Cherokee Nation, and does not admit that he obtained a license to marry his wife in accordance with the laws of the Cherokee Nation, and does not admit that the testimony introduced by the applicant is competent testimony, and does not admit that that testimony shows that he complied with the laws of the Cherokee Nation; and contends that the record is the best testimony by which to prove these facts, and that it must be shown to have been lost or destroyed before any other testimony is competent.

BY MR. KORNGAY: In reply to the contention, outline of which is set forth above, Amanda Wood says that her right to citizenship in the Cherokee Nation did not accrue by virtue of intermarriage, and that her adoption into the Cherokee Nation was not by intermarriage, but was under the provisions of the Shawnee agreement and the Treaty between the Cherokee Nation and the United States; and that because the word "adopted white" is written opposite her name on the Cherokee roll that that is not proof that she was an intermarried citizen.

She further claims that for the first time at this hearing the Cherokee Nation by its representative has insisted upon this forfeiture, and that the statute of limitations has laid down in Mansfield's Digest, and the Revised Statute of the United States have run before the forfeiture is insisted upon, even after the abolishing of the Cherokee law.

She now moves the Commission to enroll her at once, in view of the fact that it is admitted in this case that the marriage took place within the limits of the Cherokee Nation between herself and Hiram M. Wood in the year 1895, and that if that marriage was a nullity, as contended for by the Cherokee Nation, she had done nothing whatever to forfeit her rights; if on the other hand it was valid and legal, it did not effect her status at all.

BY MR. HASTINGS: The representatives for the Cherokee Nation in reply want to call attention to the fact that they never did contend that this marriage was a nullity so far as marriage relations were concerned between husband and wife; but they do contend that it works forfeiture of her citizenship, and does not admit him to the rights to citizenship in the Cherokee Nation.

BY MR. KORNEGAY: We contend on the contrary, that it is not living in the marital connection that forfeits the right, but it is the fact alone of the marriage, if any forfeiture can accrue under that law.

BY COMMISSION:

Case closed by agreement of attorney for applicant and attorney of the Cherokee Nation.

brief

BY MR. KORNEGAY: I will submit, if the Commission please.

BY COMMISSION: Attorney for the applicant files brief in application of Hiram M. Wood and Amanda Wood, his wife, for enrollment as Cherokee citizens.

BY MR. HASTINGS: Cherokee Nation reserves the right to file brief in reply to this one.

BY COMMISSION: Representatives of the Cherokee Nation will be granted ten days in which to file brief in reply. They will be required to file a copy of the brief with the attorney for the applicant. The attorney for the applicant will also be required to file a copy of his brief within ten days thereafter.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 13, 1902.

[Signature]

Commissioner.

Cher
Supp'l to D 27

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 21, 1902.

In the matter of the application of HIRAM M. WOOD, for the enrollment of himself as a citizen by intermarriage, and his wife, AMANDA WOOD, as a citizen of the Cherokee Nation, of Shawnee blood:

HIRAM M. WOOD, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Hiram M. Wood.
Q What is your age ? A I am fifty four years old.
Q What is your post office ? A Zena, I. T.
Q Are you the same Hiram M. Wood that applied for enrollment as an intermarried citizen in July, 1900 ? A Yes sir.
Q What is your wife's name ? A Amanda.
Q Is she living ? A Yes sir.
Q Is she a Cherokee citizen by blood ?
A No sir, she's a registered Shawnee.
Q Is your wife a Shawnee by blood or a Shawnee by adoption ? She is a white woman isn't she ? A Yes sir.
Q Now when were you married to your wife Amanda ?
A February 3, 1895.
Q Were you married to her under a Cherokee license ? A Yes sir.
Q Were you ever married before you married this woman ? A Yes sir.
Q How many times had you been married before ? A Once.
Q What was your first wife's name ? A Catherine Yider.
Q Was she living or dead when you married your wife Amanda ?
A She was dead.
Q Had your wife Amanda been married before you married her ?
A Yes sir.
Q How many times had she been married before ? A Once.
Q What was her first husband's name ? A His name was Boyle, but I can't give his initials.
Q Was he a white man or a Shawnee ? A A Shawnee I suppose.
Q Was he living or dead when you married her ? A He was dead.
Q Have you and your wife Amanda lived together as husband and wife ever since your marriage in 1895 up to the present time ?
A Yes sir.
Q Never have separated ? A No sir.
Q Were you living together as husband and wife on the first day of September, 1902 ? A Yes sir.
Q How long have you lived in the Cherokee Nation Mr. Wood ?
A Have been living in the Cherokee Nation for fifteen years.
Q All the time for the last fifteen years ?
A All the time, never lived anywhere else.
Q Has your wife lived in the Cherokee Nation all the time since 1880 up to the present time ? A Yes sir.
Q Your wife's first husband was named Boyle ? A Yes sir.
Q Was your wife married to him in Kansas before she came to this country ? A Yes sir.
Q Was Boyle a registered Shawnee ? A Yes sir.
Q Did Boyle come with the Shawnees from Kansas ?
A Yes sir.
Q And your wife came with him ? A Yes sir.
Q And she is on the register of Shawnees who came under the treaty between the Shawnees and the Cherokees ? A Yes sir.
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E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this November 28, 1902.

W. H. Jones
Notary Public.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 10th., 1903.

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT
OF HIRSH M. WOOD, ET AL., AS CITIZENS OF THE CHEROKEE
NATION.

Cherokee D---27

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered on February 2nd., 1903, in the above case, and asks that the same be forwarded to the Secretary of the Interior for review, together with a copy of the brief heretofore filed by the Cherokee Nation before the Commission.

Inasmuch as we have fully discussed the reasons why we do not believe the applicants are entitled to be enrolled, in said brief, we do not believe it is necessary to make any additional statement, but request that a copy of said brief be forwarded to the Secretary of the Interior.

Respectfully submitted,

W. M. Wood

Attorneys for the Cherokee Nation

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of _____,
et al, as citizens of the Cherokee Nation.

DECISION.

--000--

The record in this case shows that on July 12, 1900, Hiram W. Wood appeared before the Commission at Fairland, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Amanda Wood, as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Fairland, Indian Territory, on October 21, 1901, and at Muskogee, Indian Territory, on February 12, 1902, and October 21, 1902.

The evidence shows that the said Amanda Wood is a white woman; that she is identified on the register of Shawnees who were to and located in the Cherokee Nation within two years of the 1st day of June, 1866, in accordance with the agreement entered into by and between the Shawnee tribe of Indians and the Cherokee Nation, approved by the President of the United States on June 9, 1866. Said Amanda Wood is identified on the 1866 authentic and official roll of the Cherokee Nation.

The evidence further shows that the said Hiram W. Wood is a white man; that he was lawfully married to his wife, Amanda, on May 3, 1895, under a Cherokee marriage license, and is accordingly entitled to the laws of the Cherokee Nation. He is identified on the 1866 authentic and official roll of the Cherokee Nation.

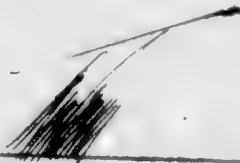
The evidence further shows that the said Amanda Wood has lived in the Cherokee Nation continuously since 1866, and that her said husband, Hiram W. Wood, has lived with her in said Nation continuously since his marriage to her at and including September 1, 1895. It is, therefore, the opinion of this Commission that said Amanda Wood should be enrolled as a citizen of the Cherokee Nation,

Cherokee D-27.

-2-

and that Hiram M. Wood should be enrolled as a citizen by inter-marriage of said Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1908, (35 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.

C. R. Beckwith
Commissioner.

Dated at Muskogee, Indian Territory,
this 1 EB - 1 1903

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. H. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

COMMISSION ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **January 30,**

1902

Mr. Hiram M. Wood,

Zena, Indian Territory.

Sir:

You are hereby notified that the application of **yourself and wife, Amanda Wood**

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

18th day of February

1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to **V. H. Kornegay, Atty.,**
Winita, I. T.

Registrar
Cherokee D-37

Yours truly,

Acting Chairman.



COPY.

Cherokee D-27

Muskogee, Indian Territory , February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Hiram W. Wood for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Amanda Wood, as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-1424

COPY:

Cherokee D-27

Muskogee, Indian Territory, February 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Hiram M. Wood for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Ananda Wood, as a citizen of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tamie Bixby
Acting Chairman.

Enc. M-3101

Through the

Commissioner of Indian Affairs.

COPY:

Cherokee D-27

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Hiram M. Wood for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Amanda Wood, as a citizen of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 12, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Acting Chairman.

COPY.

Cherokee D-27

Muskogee, Indian Territory, February 18, 1903.

W. H. Kornegay,

Attorney for Hiram M. Wood et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of Hiram M. Wood for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Amanda Wood, as a citizen of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

COPY.

-2-

Secretary will be made known to you as soon as the Commission
is informed of same.

Respectfully,

Tamara G. [illegible]
Acting Chairman.

Mno. 2101

Register.

COPY.

Cherokee D-27

Muskogee, Indian Territory, February 18, 1903.

Hiram M. Wood,

Zena, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of your wife, Amanda Wood, as a citizen of the Cherokee Nation.

There has heretofore been furnished your attorney, W. H. Kornegay, Vinita, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the

-2-

COPY.

Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tame Bixby.
Acting Chairman.

Enc. M-101

Register.

(COPY)

Zena, I.T.

Honerble Sirs:

~~I'll take this opportunity to inform you that I~~
wish to file on my own land if I every get any land I rather
my husban was not informed of this request if concistant with
your buisness say to anyone that atemps to file for me that I
most file for myself and

oblige

Amanda Wood.

Ans. Nov 9 1903

MEM

D. C. 31623-1903.

FHB

LRS

JWH

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ITD. 4417-1902.
6474-1903.

November 10, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 18, 1903, you transmitted the record of proceedings had in the matter of the application of Miran M. Wood (Cherokee D. 27), for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of his wife, Ananda Wood, as a citizen of the Cherokee Nation, including your decision of February 2, 1903, granting said application.

From the record it appears that Ananda Wood became a member of the Shawnee tribe by intermarriage with John Boyle. By virtue of the agreement entered into between the Shawnees and Cherokees, approved by the President of the United States June 9, 1869, she became a member of the Cherokee Nation. Her name, which was then Ananda Boyle, was accordingly placed upon the Cherokee census roll of 1880. In connection with her name on the roll is a memorandum designating her as an "adopted white."

February 3, 1895, Ananda Boyle became the wife of a white man named Miran M. Wood, the principal applicant herein, to whom

she was married in accordance with the laws of the Cherokee Nation. He is identified on the census roll of 1896. Mrs. Wood has resided continuously in the Cherokee Nation since 1880. Her husband has also resided there continuously since their marriage in 1895.

The attorney for the Cherokee Nation contends that as Mrs. Wood's name appears on the 1880 roll as an adopted white, her status as such must be accepted as final. Being so classed, he insists that her subsequent marriage to a white man caused her to forfeit her citizenship, under Section 666 of the Compiled Laws of the Cherokee Nation, edition of 1892.

This point has been passed upon in departmental decisions of October 31 and December 16, 1902, relating respectively to the cases of John M. Barlow and John V. Kinney. The former is a Mexican who was adopted by the Shawnees. The latter was a white man who was adopted into the Delaware tribe. In said decisions the Department held that the rights of these men as Cherokees were fixed by treaty and not by intermarriage, and that they are not therefore, subject to forfeiture of citizenship provided for in said section 666 of the Cherokee laws. The same ruling appears proper in the case now under consideration.

Reporting in the matter August 26, 1903, the Commissioner of Indian Affairs called attention to the Kinney decision, and recommended, in accordance therewith, that your decision as to Mrs. Wood be approved.

The Department concurs in the Commissioner's recommendation, and your decision is accordingly affirmed as to Mrs. Wood. As to her husband, however, no decision will be rendered in his case at this time, inasmuch as his right to enrollment depends upon his ~~marriage~~ intermarriage with a Cherokee citizen.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary .

1 inclosure.

Refer in reply to the following:
Land, 12836-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, August 26, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 27, 1903, (I.T.D. 5816), there is enclosed herewith report of the Commission to the Five Civilized Tribes, dated February 18, 1903, transmitting record relative to the application of Hiram H. Wood for enrollment as an inter-married citizen of the Cherokee Nation, and for enrollment of his wife Amanda Wood, a citizen of the Cherokee Nation.

February 2, 1903, the Commission held that Hiram H. Wood was entitled to enrollment as an intermarried citizen, and that Amanda Wood should be enrolled as a citizen of the Cherokee Nation. Prior to the Commission's decision the attorney for the applicants and the attorney for the Nation filed briefs and arguments in the case. The Cherokee Nation by its attorney protests against the Commission's decision.

The record in the case shows that Amanda Wood is a white woman; that she is identified by the register of Shawnees who removed to and located in the Cherokee Nation within two years from June 9, 1869, in accordance with the Cherokee-Shawnee agreement. Her name appears on the 1880 Cherokee roll.

The record further shows that Miram Wood is a white man; that he was lawfully married to Amanda Wood February 3, 1895, in accordance with the laws of the Cherokee Nation. Amanda Wood, nee Boyle, has resided in the Cherokee Nation since 1880, and her husband has resided there continuously from the date of their marriage, February 3, 1895, up to and including September 1, 1902.

The attorney for the Cherokee Nation takes the position that as the name of Amanda Wood appears on the 1880 roll as an adopted white she forfeited her right of citizenship by her intermarriage with Miram M. Wood, a white man, "having no rights of Cherokee citizenship by blood."

In the John V. Minney case, which is very similar to this case, the Department by letter of December 16, 1902 (I.T.D.7540), held that Minney's status, who was a Delaware, became the same as that of a native Cherokee by reason of the provisions of the Cherokee-Delaware agreement.

Amanda Wood became a citizen of the Cherokee Nation under the provisions of the Cherokee-Shawnee agreement of 1869, and the office believes that she is entitled to enrollment as a citizen of the Cherokee Nation, and that she did not by her intermarriage with Miram Wood lose her citizenship, her rights being the same as those of a native Cherokee.

It is therefore respectfully recommended that the Commission's decision be approved in so far as it holds that Amanda Wood is entitled to enrollment as a citizen of the Cherokee Nation.

Very respectfully,
(signed) W. A. Jones.

GAW-R

Commissioner.

COPY
Cherokee D-27.

Muskogee, Indian Territory, November 19, 1903.

Hiram M. Wood,

Zena, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of yourself as a citizen by intermarriage and for the enrollment of your wife, Amanda Wood, as a citizen of the Cherokee Nation of Shawnee adoption, was affirmed by the Secretary of the Interior as to your said wife, on November 10, 1903.

Respectfully,

Chairman.

cc.
Cherokee D-27.

Muskogee, Indian Territory, November 19, 1903.

W. H. Kornegay,
Attorney for Hiram M. Wood et al.,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of Hiram M. Wood as a citizen by intermarriage and for the enrollment of his wife, Amanda Wood, as a citizen of the Cherokee Nation of Shawnee adoption, was affirmed by the Secretary of the Interior as to Amanda Wood, on November 10, 1903.

Respectfully,

Chairman.

Cherokee D-27.

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, granting the application for the enrollment of Miram M. Wood as a citizen by intermarriage and for the enrollment of his wife, Amanda Wood, as a citizen of the Cherokee Nation of Shawnee adoption, was affirmed by the Secretary of the Interior as to Amanda Wood, on November 10, 1903.

Respectfully,

T. J. Harrison
Chairman.

Cherokee
D 27

Muskogee, Indian Territory, December 17, 1906.

Hiram M. Wood,

Zena, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 1, 1906.

Respectfully,

JMH

Commissioner.

Cherokee
D 27

Muskogee, Indian Territory, December 17, 1906.

W. H. Kornegay,
Attorney for Hiram M. Wood,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application for enrollment of Hiram M. Wood as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 1, 1906.

For your information there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. H-109
JMR

Commissioner.

Cherokee
D 27

Muskogee, Indian Territory, December 17, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application for enrollment of Hiram M. Wood as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 1, 1906.

For your information there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.H-110.
JMH

Commissioner.

D.C. 53240-1906.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR

L.L.B.

WASHINGTON.

I.T.D. 6474-1903.

December 1, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 10, 1903, the Department affirmed the decision of the Commission to the Five Civilized Tribes, in favor of the applicants, in the Cherokee enrollment case of Hiram M. Wood and Amanda Wood, except as to Hiram M. Wood, who claims as an inter-married citizen of the Cherokee Nation.

In view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Fite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the decision of the Commission to the Five Civilized Tribes of February 2, 1903, is reversed so far as Hiram M. Wood is concerned.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

3 inc. to Ind. Of.

D.C. 53240-1906.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR

LLB.

WASHINGTON.

I.T.D. 6474-1903.

December 1, 1906.

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Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

3 inc. to Ind. Of.

Cher A 1024

Trans from Cher D 28

Cher R 1024

Department of the Interior,
Commission to the Five Civilized Tribes,
Fairland, I.T., July 10, 1900.

—o—

In the matter of the application of Martin L. Stokes for enrollment as an intermarried Cherokee; being duly sworn, and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Martin L. Stokes.
- Q How old are you? A 31.
- Q Where do you reside? A In the Cherokee Nation.
- Q How long have you lived there? A About 14 years.
- Q Where did you live prior to that time? A In Missouri.
- Q Are you a Cherokee? A No, sir.
- Q What do you make application for? A By adoption.
- Q What is the name of your father? A James R. Stokes.
- Q Is he living? A Yes, sir.
- Q Is he on any of the rolls of the Cherokee Nation? A No, sir.
- Q What is the name of your mother? A Elizabeth.
- Q Is she on any of the rolls of the Cherokee Nation? A No, sir.
- Q What district do you belong to? A Delaware.
- Q How long have you lived in the Territory? A About 14 years.
- Q Have you been outside for the past three years? A No, sir.
- Q Have you ever been enrolled by the Cherokee authorities? A Yes, sir.
- Q In what rolls does your name appear? A I have been enrolled three times.
- Q Are you on the 1880 roll? A No, sir.
- Q Does your name appear on the 1894 roll? A No, sir.
- Q Does it appear on the 1896 roll? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q Under what law were you married? A Cherokee law.
- Q Have you your marriage licence and certificate? A Yes, sir, here it is.
- Q What was your wife's name before she was married? A Mattie Belle Sixkiller.
- Q Is she now living? A Yes, sir.
- Q Is her name on the 1880 roll? A Yes, sir.
- Q What was her father's name? A Luke Sixkiller.
- Q Was she a Cherokee by blood? A Yes, sir.
- Q What was her mother's name? A Emma.
- Q Was she a Cherokee? A Yes, sir.
- Q Is her father living? A I don't think he is.
- Q Is her mother living? A I don't think she is.
- Q What district does your wife's mother belong to? A Delaware.
- Q What proportion of Cherokee blood does your wife claim? A 1/16 I think.
- Q Have you any children under 21 years of age living with you? A No, sir.
- Q Do you make application for the enrollment of your wife? A No, sir.
- Q Are you living with your wife? A No, sir.
- Q When were you married to her? A In 1889.
- Q She is living? A Yes, sir.
- Q How long did you live with her? A 7 years.
- Q Are you divorced from her? A No, sir.
- Q Have you abandoned her? A No, sir.
- Q You have separated? A Yes, sir.
- Q Where is she? A In the Delaware district, at her mother's.
- Q Did she leave you? A Yes, sir.
- Q How long have you been separated from your wife? A About four years.
- Q Where do you live now? A In the Delaware district.
- Q How long have you lived there? A 14 years.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fairland, I.T., July 10, 1900

Martin L. Needles - 2.

Q Have you lived out of the Cherokee Nation in the last three years?
A I have not.

Q What business are you in? A I am a farmer.

Q Whose land do you occupy? A Cherokee Nation, I suppose.

Q Do you rent from any citizen? A No, sir.

Q You use it as a citizen by intermarriage yourself? A Yes, sir.

Q You never remarried? A No, sir.

By W.T. Hutchings, attorney for Cherokee Nation: Were not the papers for a divorce in a suit brought against you by your wife served on you to appear at the last term of the Court? A Yes, sir.

Q And that term of the Court has passed? A Yes, sir.

Q And you didn't make any defense to her suit? A We made a compromise, under which she could get the divorce.

Q Do you know what grounds for divorce was alleged against you?

A Cruel treatment, I think.

Q You confessed that, did you? A No, sir.

Commissioner Needles: How far does your wife live from here? A About 13 miles.

Mr. Hutchings: The suit was brought at Vinita? A I have got a statement of the compromise with me, here it is.

Commissioner Needles: IQ This is not the paper; this is nothing but a receipt for money you paid. A The compromise is down at Vinita.

Q How far do you live from here? A About 13 miles.

Mr. Hutchings: The divorce has been granted, hasn't it? A I am not certain, but I think it has.

Commissioner Needles: I will continue your case until next Friday at ten o'clock!

-----o-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reprinted the testimony of the above named witness, and that the foregoing is a full, true, and correct translation of his stenographic notes.

Sworn to and subscribed before me this the 10th day of July, 1900.

Bruce C. Jones
[Signature]
Commissioner

and correct translation of the above-mentioned notes.
of the above named witness, and that the translation of the
the Commission to the above mentioned witness, and that the
the Commission to the above mentioned witness, and that the

Commissioner Needles: I will now ask the witness to
the witness, and I will ask him to
the witness, and I will ask him to

Mr. Hutchings: The divorce was not
out a receipt for money, and I will
Commissioner Needles: I will now ask the witness to
statement of the Commissioner with me,

Mr. Hutchings: The witness was present at the
the witness, and I will ask him to
the witness, and I will ask him to

Commissioner Needles: How did you
the witness, and I will ask him to
the witness, and I will ask him to

Mr. Hutchings: I will now ask the witness to
the witness, and I will ask him to
the witness, and I will ask him to

Commissioner Needles: I will now ask the witness to
the witness, and I will ask him to
the witness, and I will ask him to

Mr. Hutchings: I will now ask the witness to
the witness, and I will ask him to
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the witness, and I will ask him to
the witness, and I will ask him to

Mr. Hutchings: I will now ask the witness to
the witness, and I will ask him to
the witness, and I will ask him to

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 11 1900

DEPARTMENT OF THE INTERIOR,
COMMISSIONERS TO THE FIVE CIVILIZED TRIBES,
FAIRLAND, I.T. JULY 13, 1900.

In the matter of the application of MARTIN L. STOKES for enrollment as a Cherokee citizen, said Stokes being sworn by Commissioner Needles, testified as follows:

- Q Why did you have your attorneys make a motion to withdraw your answer? A They came to me and begged me to compromise with them.
- Q Compromise what? A This case.
- Q In the way set forth in this paper? A No sir. ~~That was the only way~~
- Q That was a compromise for property only? A That was not the understanding. They were just to allege enough to get a divorce.
- Q But you had alleged nothing it seems from this answer of yours beyond a general denial of cruelty? A I asked her to come go home and live with me.
- Q What were you expected to withdraw and yet leave enough to get a divorce out of your answer? A I didn't want a divorce myself.
- Q You stated just now that it was agreed that you were to withdraw your answer and just leave enough to get a divorce. Is that correct? A I was to withdraw my answer and she was to withdraw hers leaving enough to get a divorce.
- Q What were you to leave as grounds for the divorce? A Cruel treatment.
- Q You were to leave an admission of cruel treatment upon which she could get a divorce? A Yes.
- Q At the time you and your wife separated, where did you live? A At her father's house.
- Q Did she leave her father's house or did you leave her father's house? A I left her father's house and went back to my home and asked her to go along.
- Q How long did you and she stay at her father's house? A About 12 months.
- Q What had you done with your own place during that time? A I had it rented.
- Q For how long a time had you rented it? A About 8 months.
- Q At the time you left your (her) father's house was it still rented or not? A It was not rented.
- Q What did you do when you went back to your place? I went to work farming for myself. It was not rented. It was rented but the man moved off and I moved on.
- Q That was the end of the lease was it? A Yes.
- Q Did you contribute to your wife's support at any time ~~xxx~~ she was at her father's ~~house~~ and after you left her? A I did while I lived there, but not afterwards--- I asked her to go home with me and she would not go.
- Q You divided the property? A We divided part of it afterwards.

Friday, July 13, 1900. The name of Mattie B. Stoke appearing upon the authenticated roll of '80, and proof of marriage being satisfactorily made that she married the applicant, Martin L. Stokes in the year, 1889, and that the said Martin L. Stokes is a bona fide resident of the Indian Territory, but that he was divorced from said Mattie B. Stokes, nee Mattie B. Sixkiller, February 16, 1900, and the representatives of the Cherokee Nation protesting against the enrollment of said Martin L. Stokes because of the fact that he abandoned his wife, and the Commission not being thoroughly satisfied as to the facts connected with said abandonment, ordered the said Martin L. Stokes placed upon what is known as a doubtful card, and the said Martin L. Stokes will be permitted to file any testimony, either oral or documentary, as to his enrollment.

Brown McDonald, being sworn by Commissioner Needles, says as
Stenographer to the Commission to the Five Civilized Tribes, he
reported in full the testimony of the above named witness, and that
the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 16th day of July, 1900,
at Westville, Indian Territory.


Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

Date 11/11/1900

2116

Year

Page 55

No.

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

Licence

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's Citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 13 1900

Sept 11



DP

~~_____~~
Swainport & Thompson
and J. S. Smith

Amesbury & Thompson
and J. S. Smith

1892

1101

Martin B. Stokes

vs

Martin L. Stokes

Motion to withdraw
Answer to Original
Complaint

Charles A. Davidson
By A. Chandler

Davidson & Thompson
Atty for Df.

No. 1001.

In the United States Court for the Northern District of the
Indian Territory, sitting at Vinita.

Hattie B. Stokes, Plaintiff,

vs

Martin L. Stokes, Defendant.

MOTION.

Comes now the defendant in the above entitled cause,
Martin L. Stokes, and asks leave of the Court to withdraw
his answer to the original complaint of the plaintiff filed in
this cause.

7-1-10
In reply of an address
of Martin L. L. L.
at Chicago, Ill.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 17 1890

[Signature]
Commissioner of the
Bureau of Indian Affairs
Washington, D. C.

M. L. L. L.

He is a man of
great ability and
experience and
is well qualified
for the position.

2

in the U.S. Court, Southern District of New York, dated 11/1/68.

... ..

מדינת ישראל.

100

h. a.

This morning I had a good sleep, but I was not
807.70 and I had a good sleep. I had a good sleep. I
had a good sleep. I had a good sleep. I had a good sleep.

The girls stayed in the same place, and I had a good sleep.
I had a good sleep. I had a good sleep. I had a good sleep.

I had a good sleep. I had a good sleep. I had a good sleep.
I had a good sleep. I had a good sleep. I had a good sleep.

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I had a good sleep. I had a good sleep. I had a good sleep.
I had a good sleep. I had a good sleep. I had a good sleep.

Q. What effect did these things have upon the finding of this razor in the buggy have upon you?

A. It made me very much afraid of him, afraid to be with him alone or to go home with him.

Q. What effect did it have upon your peace of mind and happiness as your relations as wife of defendant?

A. It made me very unhappy, my condition was rendered unbearable.

Q. During that time you lived with your husband and did you denounce yourself towards him?

A. I was a true and affectionate wife as far as I could be.

Q. Did you ever knowingly and purposely give him any assistance or help in this manner or to offer those indignities to him?

A. No, sir.

Q. As the result of this, did you ever leave him or did you ever make any attempt to leave him or did you ever plan to leave him or did you ever live with him?

A. Yes, I did live with him.

Q. How long did you live with him after that time?

A. No, sir.

Q. Has he ever been in your house since that time or has he ever been in your house since that time?

A. No, sir.

Q. No, sir.

A. No, sir.

Q. Did you ever live with him since that time?

A. No, sir, it would be impossible to live with him since that time.

Q. No, sir.

A. No, sir.

Q. No, sir.

A. No, sir.

Q. No, sir.

A. No, sir.

A. No, sir.

Q. How old are you now?

A. 20 years old.

Q. Where do you live and where does the defendant now live?

A. I live in the Northern District of the Indian Territory.

Q. Did the defendant ever make an offer to strike or lay his

hands on you to strike you when you lived together?

A. On one occasion, when he was after me, on another occasion he caught me by the wrist, he jerked and twisted my wrist and asked what I would do if he would hurt me, he was angry at the time.

Q. How long have you lived in the Northern District of the Indian Territory?

A. For the last 20 years, continuously.

Q. Was the cause of divorce alleged occur and exist in the Northern District of the Indian Territory and within five years next before the commencement of this suit?

A. It did.

Wm. H. Smith.

Q. Now, Sixkiller, do you want to ask any more questions?

Direct examination by Preston S. Lewis:

Q. Now, your name, age, place of residence, and relationship to the plaintiff?

A. My name is Sixkiller, I am 21 years old, I live in the Northern District of the Indian Territory.

Q. After your marriage, did you ever live together?

A. No, sir.

Q. Now, your name, age, place of residence, and relationship to the plaintiff?

A. My name is Sixkiller, I am 21 years old, I live in the Northern District of the Indian Territory.

Q. Now, your name, age, place of residence, and relationship to the plaintiff?

A. My name is Sixkiller, I am 21 years old, I live in the Northern District of the Indian Territory.

A. The defendant made the threats about taking the strychnine, and after came running into the kitchen extremely excited and agitated, holding the bottle of strychnine in her hand saying that ~~he~~ she had threatened to take it and throw the blame upon her, the defendant tried to prevent the plaintiff from coming to where I was, and she was not doing right to do so, and in this way, I got alarmed and I had to turn out the door. I had the strychnine burnt up, it was strychnine that the defendant had taken to poison her with. I also found the poison in the back of the bag of defendant.

Q. During that time, before the plaintiff and defendant had any conversation, what was her condition as to being poisoned?

A. She was quite comfortable, and only half of the time, during that time.

Q. What was the condition of the defendant at that time?

A. I was not there at that time.

Q. During that time, the defendant was not poisoned?

A. A. C. was the one who was poisoned, and she was the one who was poisoned, and she was the one who was poisoned, and she was the one who was poisoned.

Q. A. C. was the one who was poisoned, and she was the one who was poisoned, and she was the one who was poisoned, and she was the one who was poisoned.

Q. A. C. was the one who was poisoned, and she was the one who was poisoned, and she was the one who was poisoned, and she was the one who was poisoned.

Q. A. C. was the one who was poisoned, and she was the one who was poisoned, and she was the one who was poisoned, and she was the one who was poisoned.

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Q. A. C. was the one who was poisoned, and she was the one who was poisoned, and she was the one who was poisoned, and she was the one who was poisoned.

Q. A. C. was the one who was poisoned, and she was the one who was poisoned, and she was the one who was poisoned, and she was the one who was poisoned.

A. It was very poor, and was low and tilted and degraded, she had to have a plaster and took a course of treatment to regain her health.

By Styckiller.

Mr. Sigler had at that time sworn on oath testified as follows:

DEPARTMENT OF AGRICULTURE

Q. State your name, age, place of residence and relation to plain-
+1102

A. Harry Sixkiller, I am 48 years old, live near Afton, I.D., on the
 south of plaintiff.

Q. Did these parties to this suit after their marriage ever live at your house?

A. Yes Sir, we lived there about 11 months.

6. Were they living together when they were tied?

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

A. $\frac{1}{2} \log 10 + \frac{1}{2} \log 10 + \frac{1}{2} \log 10 = \frac{3}{2} \log 10$ extrinsic $\frac{3}{2} \log 10$ d.

Q. And the other two, the two that are not in the list, are the two that are not in the list?

1. *Chlorophyll a* (Chl *a*)

1950-1951 1952-1953 1954-1955 1956-1957 1958-1959 1960-1961 1962-1963 1964-1965 1966-1967 1968-1969 1970-1971 1972-1973 1974-1975 1976-1977 1978-1979 1980-1981 1982-1983 1984-1985 1986-1987 1988-1989 1990-1991 1992-1993 1994-1995 1996-1997 1998-1999 2000-2001 2002-2003 2004-2005 2006-2007 2008-2009 2010-2011 2012-2013 2014-2015 2016-2017 2018-2019 2020-2021 2022-2023 2024-2025 2026-2027 2028-2029 2030-2031 2032-2033 2034-2035 2036-2037 2038-2039 2040-2041 2042-2043 2044-2045 2046-2047 2048-2049 2050-2051 2052-2053 2054-2055 2056-2057 2058-2059 2060-2061 2062-2063 2064-2065 2066-2067 2068-2069 2070-2071 2072-2073 2074-2075 2076-2077 2078-2079 2080-2081 2082-2083 2084-2085 2086-2087 2088-2089 2090-2091 2092-2093 2094-2095 2096-2097 2098-2099 2100-2101 2102-2103 2104-2105 2106-2107 2108-2109 2110-2111 2112-2113 2114-2115 2116-2117 2118-2119 2120-2121 2122-2123 2124-2125 2126-2127 2128-2129 2130-2131 2132-2133 2134-2135 2136-2137 2138-2139 2140-2141 2142-2143 2144-2145 2146-2147 2148-2149 2150-2151 2152-2153 2154-2155 2156-2157 2158-2159 2160-2161 2162-2163 2164-2165 2166-2167 2168-2169 2170-2171 2172-2173 2174-2175 2176-2177 2178-2179 2180-2181 2182-2183 2184-2185 2186-2187 2188-2189 2190-2191 2192-2193 2194-2195 2196-2197 2198-2199 2200-2201 2202-2203 2204-2205 2206-2207 2208-2209 2210-2211 2212-2213 2214-2215 2216-2217 2218-2219 2220-2221 2222-2223 2224-2225 2226-2227 2228-2229 2230-2231 2232-2233 2234-2235 2236-2237 2238-2239 2240-2241 2242-2243 2244-2245 2246-2247 2248-2249 2250-2251 2252-2253 2254-2255 2256-2257 2258-2259 2260-2261 2262-2263 2264-2265 2266-2267 2268-2269 2270-2271 2272-2273 2274-2275 2276-2277 2278-2279 2280-2281 2282-2283 2284-2285 2286-2287 2288-2289 2290-2291 2292-2293 2294-2295 2296-2297 2298-2299 2300-2301 2302-2303 2304-2305 2306-2307 2308-2309 2310-2311 2312-2313 2314-2315 2316-2317 2318-2319 2320-2321 2322-2323 2324-2325 2326-2327 2328-2329 2330-2331 2332-2333 2334-2335 2336-2337 2338-2339 2340-2341 2342-2343 2344-2345 2346-2347 2348-2349 2350-2351 2352-2353 2354-2355 2356-2357 2358-2359 2360-2361 2362-2363 2364-2365 2366-2367 2368-2369 2370-2371 2372-2373 2374-2375 2376-2377 2378-2379 2380-2381 2382-2383 2384-2385 2386-2387 2388-2389 2390-2391 2392-2393 2394-2395 2396-2397 2398-2399 2400-2401 2402-2403 2404-2405 2406-2407 2408-2409 2410-2411 2412-2413 2414-2415 2416-2417 2418-2419 2420-2421 2422-2423 2424-2425 2426-2427 2428-2429 2430-2431 2432-2433 2434-2435 2436-2437 2438-2439 2440-2441 2442-2443 2444-2445 2446-2447 2448-2449 2450-2451 2452-2453 2454-2455 2456-2457 2458-2459 2460-2461 2462-2463 2464-2465 2466-2467 2468-2469 2470-2471 2472-2473 2474-2475 2476-2477 2478-2479 2480-2481 2482-2483 2484-2485 2486-2487 2488-2489 2490-2491 2492-2493 2494-2495 2496-2497 2498-2499 2500-2501 2502-2503 2504-2505 2506-2507 2508-2509 2510-2511 2512-2513 2514-2515 2516-2517 2518-2519 2520-2521 2522-2523 2524-2525 2526-2527 2528-2529 2530-2531 2532-2533 2534-2535 2536-2537 2538-2539 2540-2541 2542-2543 2544-2545 2546-2547 2548-2549 2550-2551 2552-2553 2554-2555 2556-2557 2558-2559 2560-2561 2562-2563 2564-2565 2566-2567 2568-2569 2570-2571 2572-2573 2574-2575 2576-2577 2578-2579 2580-2581 2582-2583 2584-2585 2586-2587 2588-2589 2590-2591 2592-2593 2594-2595 2596-2597 2598-2599 2600-2601 2602-2603 2604-2605 2606-2607 2608-2609 2610-2611 2612-2613 2614-2615 2616-2617 2618-2619 2620-2621 2622-2623 2624-2625 2626-2627 2628-2629 2630-2631 2632-2633 2634-2635 2636-2637 2638-2639 2640-2641 2642-2643 2644-2645 2646-2647 2648-2649 2650-2651 2652-2653 2654-2655 2656-2657 2658-2659 2660-2661 2662-2663 2664-2665 2666-2667 2668-2669 2670-2671 2672-2673 2674-2675 2676-2677 2678-2679 2680-2681 2682-2683 2684-2685 2686-2687 2688-2689 2690-2691 2692-2693 2694-2695 2696-2697 2698-2699 2700-2701 2702-2703 2704-2705 2706-2707 2708-2709 2710-2711 2712-2713 2714-2715 2716-2717 2718-2719 2720-2721 2722-2723 2724-2725 2726-2727 2728-2729 2730-2731 2732-2733 2734-2735 2736-2737 2738-2739 2740-2741 2742-2743 2744-2745 2746-2747 2748-2749 2750-2751 2752-2753 2754-2755 2756-2757 2758-2759 2760-2761 2762-2763 2764-2765 2766-2767 2768

that he moved to my house to live, and that it is the same old in your
that he left at his place when he moved, he and I both decided that
it was not worth taking. I know that it was not brought to my place
to live there.

Q. What effect did the removal of the defendant have upon
the plaintiff's health?

A. It had a severe effect, it distressed and made her miserable and
seriously impaired her health and peace of mind.

Q. From what you know and saw of the defendant's treatment of the
plaintiff, is it likely it would be possible for the plaintiff to
live with him as his wife?

A. No, I do not.

Q. As far as you know or saw, did the plaintiff ever give the de-
fendant any reason for this treatment?

A. No, I do not.

Q. Since these parties are married there has been any other reason for

A. No, I do not.

Q. He has provided for her?

A. He has and I, the defendant has never lived with her or pro-
vided for her in any way since they were married.

Q. What is the reason for the plaintiff's complaint?

A. The defendant has not provided for her in any way since they were married.

Q. What is the reason for the plaintiff's complaint?

THE COURT:

L. P. Paine, Jr.
Master in Chancery.

National Student of American
 Institute of Management,
 University of California.

In the United States Court in the
Indian Territory, sitting in and
for the Northern District thereof
at Winita.

No. 3702.

Now on this 16th day of February A.D. 1906, the court being out of session for the day of the January term of said court, this cause coming on for hearing and trial, the report of the Master in Chancery, said Master, is read and the same is approved, filed in the case, said cause being then closed and the same is now adjourned and postponed.

It is, therefore, considered, ordered and decreed by the Court, that the bonds of matrimony heretofore existing between the plaintiff and defendant are dissolved, set aside and annulled.

It is further ordered by the Court, that a fee of \$15.00 be paid to the Clerk of the Court for the above proceedings.

No 1101 Equity

I read this the Sunday

7. Sept. 1894.

James W. Minnits
Collector

CITATION.

Mattie B. Stokes.

vs

Martin L. Stokes.

I hereby certify that I served the within citation on the
Within named defendant, - Martin L. Stokes, - by reading the same to
him in his presence and hearing, - at his home in Delaware District,
Cherokee Nation on the 16 day of July 1896, - In testimony
whereof I hereto set my name in on this 16 day of July 1896

John G. Farnsworth

Sheriff of Delaware District. C.N.

By _____

Depty.

CC

DEPARTMENT OF
TOLSON TO THE F

DES.

FILED

MAR 1 1896

J. H. Akin, - atty for Plaintiff.

Wilton Harris

CITATION.

CHEROKEE NATION,)

~~Courthouse, Cherokee Nation~~
Delaware District.

TO ANY LAWFUL OFFICER.

GREETING: You are hereby commanded to summon Martin L. Stokes.

to appear at the lawful place of holding court in said District, on 2nd, Monday in September 1896
at 9 o'clock a.m. then and there to answer the demand of Mattie B. Stokes, who

claims the right of possession and ownership to certain property now in defendant's possession, to-wit:

One improvement, located in said District and Nation, two and one half miles south-west of Afton, I.T., consisting of about 300. acres of land under post and wire fencing,- about 160, acres of which is broke land, and in cultivation,- one frame house of 3, rooms, Stable, and all other improvements attached or belonging thereto,- together with all rents due upon said place for the crop season of 1896,- said place being worth at a moderate estimation in cash about \$ 1,000.00.

Also about 32 & 1/2 acres of Wheat in the stack,- now on the Luke

~~and now on the Luke Sixkillers place~~ Sixkillers place in said District and Nation - worth about \$ 100.00. also one mouse colored male and one brown male, - each about 17, hands high about 8 or 10 years old,- and worth about \$ 125.00 also one two horse wagon and one set of wagon harness, worth about \$ 60.00. and one lot of house-hold and kitchen furniture, at Luke Sixkillers place,- worth about \$ 150.00.

~~2nd.~~ 2nd. - The right of being divorced from the bonds of matrimony now existing between plaintiff and defendant.

3rd. - A judgment of the court setting aside the right of said Martin L. Stokes to Cherokee Citizenship.

and for cause of action plaintiff alleges:

That she was married to said defendant, - Martin L. Stokes, March the 10th, 1889, under the provisions of the law of the Cherokee Nation.

regulating intermarriage of white men and foreigners,- that at the time of said marriage the said defendant was a white man and a Citizen of the United States.

2nd. That she continued to live with said defendant as his wife,- at all times doing her full duty towards him as a wife, until the 13th, day of July 1896, - when said defendant, without any legal cause abandoned her.

3rd, - That said defendant has for the last three months treated this plaintiff with extreme cruelty, in various ways, until he has made life with him perfectly miserable,- by threats to leave this plaintiff and to do her great bodily harm, - and by finally leaving her as aforesaid,- in absolute destitute circumstances and without any means of support.

4th,- That said defendant has on various occasions in the past three months charged this plaintiff with infidelity and other gross and slanderous charges,- without any cause whatever and by his general conduct, made her life with him intolerable.

~~And she prays that the Court grant her a divorce~~
~~and that the Court enter a judgment setting aside~~

5th,- That all the property herein sued for has been made and acquired since said marriage, and this plaintiff has helped to make the same

Wherefore she asks that the Court grant her the divorce prayed for and judgment for the property herein sued for, - or so much thereof as the Court may adjudge to be due her. and that by reason of said abandonment aforesaid the defendant has forfeited his rights to Cherokee Citizenship and plaintiff asks that the Court enter a judgment setting them aside

Filed not to execute this summons with the return of the sheriff.

Given under my hand and seal of the Court at Cherokee, N.C.

Witness my hand and seal of the Court at Cherokee, N.C.

10
Jude
C. H. Martin
Clerk of the Court

No. 1121 Equity

Mattie B. Stokes

Plaintiff

vs
Martin L. Stokes

Defendant

Warranted Complaint

Preston S. Davis,

Attorney for

Plaintiff

UNITED STATES OF AMERICA

INDIAN TERRITORY SS.

NORTHERN DISTRICT

In the United States Court in the Indian
Territory sitting in and for the Northern
District thereof at Vinita.

No. 1101. Equity.

Mattie B. Stokes, Plaintiff,

VS

Martin L. Stokes, Defendant.

Amended Complaint.

Comes now the plaintiff, Mattie B. Stokes, and leave of the court having been first asked and obtained to file this her amended complaint in this action, for cause of action against the said defendant, states :

That she is a citizen by blood of the Cherokee Nation of the Indian Territory and that she resides within the northern District of the Indian Territory and nearer to Vinita than to any other place of holding United States Court in said District. That the said defendant, Martin L. Stokes, was a citizen of the United States prior to his marriage with plaintiff and that said defendant resides and is to be found within the said Northern District of the Indian Territory aforesaid. That she was duly married to the defendant herein under the laws of the Cherokee Nation under her maiden name of Mattie B. Sixkiller on "March the 10" 1889 and that she is now 26 years of age. That after said marriage the plaintiff cohabited with the defendant, her said lawful husband, at and near Afton, I.T., for seven years and that they have had no issue of their said marriage. That the plaintiff since their marriage has always demeaned herself as a faithful, true and affectionate wife towards the said

Martin L. Stokes, but that he, on the other hand, has for years been
cross and quarrelsome to her and has been cruel in his treat-
ment to her, threatening her, and has offered such indignities to her
as has rendered her condition intolerable and unbearable. That shortly
after their marriage the said Martin L. Stokes commenced, and has con-
tinued to the 13th day of July, A.D. 1896, treating the plaintiff with
great unkindness and cruelty. That on account of such indignities offer-
ed and such cruel treatment plaintiff was unable to live with the de-
fendant as his wife and they separated on the said 13th day of July,
A.D. 1896. That by reason of this said abuse and extreme cruelty her life
has become a burden, one of misery and wretchedness too intolerable to
be borne as the wife of the defendant, and that therefore she owes it to
her self and her family to seek the protection of this court and through
it obtain exemptions from his threats, abuse, extreme cruelty and fear of
his control.

That the plaintiff has been a resident of the Northern District
of the Indian Territory for the last 26 years continuously: that the
cause of divorce herein occurred and existed in said District and
Territory above styled, and within five years next before the commence-
ment of this suit.

Wherefore the plaintiff prays the court that she may be decreed
a divorce a vinculo matrimonii from the said Martin L. Stokes, and declar-
ed to be sole, single and unmarried: and that the court will grant her
such other and further relief as may be proper.

Mattie B. Stokes
vs
Jas. H. Stokes
Defendant

United States of America

Indian Territory ss

Northern District.

Mattie B. Stokes on her oath deposes and say
that she is the plaintiff named in the
within and foregoing amended complaint
and that she has heard the same read and
that the facts and statements therein con-
tained are true as she verily believes.

Subscribed and sworn to before me this the 9th day of Feb. A.D. 1900.

My Comm. Expires

Notary Public
for the Territory of Oklahoma

1
SUPPLEMENTAL TESTIMONY
D.#28.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVIL TRIBES,
MEMPHIS, TENN., MARCH 1st, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of
Martin L. Stokes, Card D.#28,

J. S. TRUITT, being sworn and examined by Commissioner J. S. Needles, testified as follows:

Q. What is your name? A. J. S. Truitt.

Q. How old are you? A. I am 34 years old.

Q. What is your post office address? A. Afton, Indian Territory.

BY MR. W. P. THOMPSON, Attorney for Applicant:

Q. What is your occupation? A. I am a lawyer.

Q. As an attorney were you employed in the case of Mattie L. Stokes versus Martin L. Stokes on the part of the defendant? A. Yes, sir.

Q. I will ask you whether appearing for the defendant -- did you make any agreement with the attorney for the plaintiff in that case; if so, state what it was? A. There was this kind of agreement made and I would like without -- this case was originally brought to the Cherokee Courts and from some cause was not determined in the Cherokee courts, but was transferred to the United States Court at Winita and there in this petition alleged here, they alleged and sued him, the defendant, Martin L. Stokes, for his citizenship and other matters alleged by defendant when that case was transferred over into the United States Court and answer was filed. The answer is among the original papers here. The answer is filed in the United States court. The case come on for trial and myself and W. P. Thompson represented the defendant; we was present; defendant was present with his witness to establish the facts set forth in the answer and referred to. It was there -- let me see, just wait a minute -- the evidence on the part of the plaintiff was begun and we was called some four or five times in the Master's office; they were seeking to compromise on the part of the plaintiff, they was seeking to have us not establish the facts alleged in our answer. Now, that is just the truth of the matter and we just simple said: you know we are going to do it. Of course, they said they never would live together, that was all but they would not sue him another inch for his citizenship, that they would drop that part of the question altogether and amend their complaint if we would leave out the portion alleged in our answer, of infidelity and we, under the proposition, amended our complaint.

Q. Have you that amended complaint? A. I think I have. I would like to offer that complaint if I can get ahold of it; we just offer that an amended complaint. And on that proposition come this man referred to to withdraw the answer and the remainder of the evidence was taken without our notice or without our answer, that is just the size of this case, pure and simple.

Q. Were you present at the time this compromise agreement was made? A. Yes, sir.

Q. Was the parties, plaintiff and defendant, and parties on both sides, present? A. Yes, sir.

Q. The original citation had an allegation to set aside the citizenship of Martin L. Stokes? A. It did.

Q. Was anything said about abandoning that clause in the event that he, Defendant, would refrain from making good his charges of infidelity against the plaintiff? A. That was certainly their agreement, that they would not further prosecute him for his citizenship.

Q. In accordance with that agreement did ~~that man~~ they amend their complaint so as to omit and leave out that charge? A. They did.

Q. Do you know of your own knowledge with one of the parties abandoned the other? A. Not to my own knowledge; I lived neighbors

to them a number of years but I cannot say positively.

BY MR. HARRY STARR, Cherokee Representative:

Q. Your client agreed to this compromise with the provision that he was to leave the admission of cruel treatment that the divorce might be obtained under the same, is that a fact? A. I would not say positively that was a fact because the ~~xxx~~ ~~xxx~~ had ~~as~~ thinking he would not prove out allegation alleged in our answer and cross bill and they would not prosecute us further in regard to our citizenship and outside of that I don't remember; I can't call up what was the agreement.

Q. You were perfectly willing that your client should admit this charge if his citizenship should be left in tact? A. Perfectly willing. I cannot say exactly that there was an agreement of cruel treatment left in there. I cannot say positively because I never saw the papers any further than they were spoken of.

COMMISSIONER T. P. NEEDLES: Applicant presents a citation in the case of Mattie E. Stokes versus Martin L. Stokes. Applicant also presents amended complaint in said case.

W. P. THOMPSON, being sworn and examined by Commissioner Needles, testified as follows:

Q. What is your name? A. W. P. Thompson.

Q. What is your age? A. 34.

Q. What is your post office? A. Vinita.

Q. Are you one of the attorneys of Martin L. Stokes in the case of Mattie E. Stokes versus Martin L? A. Yes, sir, after that was transferred from the ~~xxx~~ Cherokee Court to the United States Court at Vinita I was employed to represent Mr. Stokes before the United States Court. This case was originally filed in the Cherokee Court, Delaware District, Cherokee Nation and among other allegations filed in said Court there was one contesting the citizenship of Martin L. Stokes but before the case was finally determined in the Cherokee Court by an Act of Congress of June 25th, 1898, Cherokee Court had no further Jurisdiction in the matter and the case was transferred under the provisions of this Act to the United States Court at Vinita. When answer was filed by defendant in the United States Court at Vinita charging infidelity among other allegations against the plaintiff and soon the case came on for hearing before the Clerk and Master and a compromise proposition was offered by the plaintiff to the defendant in this case asking defendant to withdraw his charges of infidelity and settle the property rights of the parties and in consideration of the withdrawal of this charge against the plaintiff, the plaintiff agreed to withdraw contest of defendant's citizenship and both parties agreed that divorce should be allowed and plaintiff agreed to file amended complaint leaving out any contest of defendant's citizenship and file an amended complaint in the United States Court at Vinita and proceeded to take their testimony ex parte upon this amended complaint having abandoned their original complaint. I was present at the time the compromise was entered into between the parties ~~xxx~~ as was also Mr. Truit, my associate counsel; Mr. Preston S. Davis, attorney for ~~xx~~ the plaintiff and the parties to this suit were also present. There was no admission made by the defendant as to the truth or falsity of the ~~xxxxxxxxxx~~ ~~xxxx~~ allegations of Plaintiff's amended complaint. The plaintiff was allowed to proceed to take

Supl. D. #28--3.

her testimony ex parte. This agreement was made on the 8th day of February, in the year 1900 at the office of Looman F. Parker, Master in Chancery, of Vinita Indian Territory.

COMMISSIONER T. B. NEEDLES:

Q Has your client ever married since? A No, sir, not to my knowledge, that is my information. It was agreed between the two parties that they could not live together peaceably and they were each willing that each one should have a divorce.

HENRY HILL, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Henry Hill.

Q What is your age? A 42.

Q What is your post office? A Afton.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q By blood or intermarriage? A Intermarriage.

BY MR. W. P. THOMPSON, Attorney for Applicant:

Q Were you ever called on at any time by Defendant, Martin L. Stokes, to affect a reconciliation between him and his wife, Mattie B. Stokes? A Yes, sir.

Q State the circumstances? A Mr. Stokes got me and a man named Dawson to go see Mrs. Stokes and try to get her to come home and live with him a few days after the separation.

Q What was the result of your efforts? A We went down there and see her and tried to get her to come back, and she said that she was not going to live with him any more, she was not going back, she had quit him and aimed to stay quit; that is about the sum and substance of it.

Q She said that she had quit him and intended to stay quit? A Yes, sir.

Q Did you make any statement to her as to what Stokes told you to tell her? A I tried to persuade her to come back.

Q Did you tell her what Stokes told you to? A No, sir; we did not get much chance to say much; she just said she had quit him; we went down there one evening. The way she talked about it I did not think it was necessary to talk much about it.

COMMISSIONER T. B. NEEDLES:

Q Did she give any reasons why she was not going to live with him?

A Yes, sir; she gave a reason why she would not live with him; she said he had accused her wrongfully of something she was not guilty of and she would not live with him.

Q Did she say anything about Mr. Stokes's treatment of her?

A Not otherwise.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Supl.D.#28--4.

Subscribed and sworn to before me this 2nd day of March, 1901.

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 2 1901

 A. T. S. CHARMAN

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14th, 1901.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in the matter of the application of Martin L.
Stokes for enrollment as a citizen of the Cherokee Nation.


Wm. P. Thompson

Atty. for Applicant.

D.--#28.

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"J"
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 14 1901

 ACTING CHAIRMAN

Matrim

United States of America,

Indian Territory, Northern District.

SS

In the United States Court in the Indian Territory, sitting in and for
the Northern District, at Vinita.

Mattie B. Stokes, pl'tf,

vs

#

EQUITY.

Martin L. Stokes, Deft.

I, L. F. Parker, Jr., Master in chancery of this Court show
unto the court that under the general order of reference I have examined
the pleadings and have taken the proof in this cause, and the same having
been concluded, I beg to submit the following report:

That the plaintiff is a citizen by blood of the Cherokee Nation
and has resided in the Northern District of the Indian Territory for more
than one year next before this suit was filed. That she and the defend-
ant, a citizen of the United States at the time, were duly married under
the laws of the Cherokee Nation on the 10th day of March, 1889; that
thereafter they lived and cohabited together as man and wife until July
19th, 1898, when they separated.

That during the entire time they lived together, but especially
during the last year they lived together, the defendant was harsh, cross
and irreligiose to the plaintiff, abused, struck and slapped her, threaten-
ing to leave and abandon her, and by this treatment and these indignities
to her person did make her condition intolerable.

that this condition of affairs continued up to and existed at the time ~~the~~
they separated.

That plaintiff has not lived with the defendant since that time as his wife, nor in any way condoned the indignities heaped upon her, and he has not contributed to her support since.

That the cause of divorce occurred and existed within the Northern District, Indian Territory, and wit in five years next before the commencement of this suit.

The premises considered, I recommend that the bonds of matrimony heretofore existing between these parties be dissolved, and that the plaintiff, Mattie B. Stokes, be given a decree of divorce from the defendant, Martin L. Stokes; and that she be given her maiden name, Mattie B. Sixkiller, and restored to all the rights of a feme sole.

Respectfully submitted,

L. F. PARKER, JR.,

Master in Chancery.

2-12-1900

Which report is endorsed on the back as follows:

No. 1101, Equity. At Vinita. Mattie B. Stokes, Plaintiff, versus Martin L. Stokes, Defendant. REPORT OF MASTER. Filed this the 15th day of Feb'y, 1900. Chas. A. Davidson, C., T. A. Chandler, D. C., L. F. Parker, Jr., Master in Chancery.

Mattie B. Stokes, Plaintiff,

Vs.

No. 1401.

Martin L. Stokes, Defendant.

Now on this the 18th day of February, A. D., 1900, the same being one of the regular days of the January term of said Court, this cause coming on to be heard on the report of the Master in Chancery, this day filed herein, and there being no exceptions filed to the same, said report is in all things approved and confirmed.

It is therefore considered, ordered and decreed by the court that the bonds of matrimony heretofore existing ~~between~~ between the plaintiff and the defendant be, and the same is hereby, dissolved, set aside and held for naught.

It is further ordered by the court, that a fee of \$15.00 be allowed the Master in Chancery thereon.

Entered on the Court's Records: No. 1401.

Mattie B. Stokes, vs Martin L. Stokes, Feb 16". Filed in ~~the~~ open Court Feb 17, 1900. Chas. A. Davidson, Clerk, Northern District, Indian Territory.

UNITED STATES OF AMERICA?

INDIAN TERRITORY? NORTHERN DISTRICT?

SS

United States

I, Chas. A. Davidson Clerk of the court for the Northern District of the Indian Territory, do hereby certify the attached papers to be a true and correct copy of the report of the Master in Chancery of said court rendered on the 1st day of Feb'y A. D., 1900 as same appears from the records on file now in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at my office in Vinita I. T. in the said District this the 3 day of October A. D., 1901.

CHAS. A. DAVIDSON

Clerk

By *R. H. Lybrand* *L. H.*

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 21, 1901.

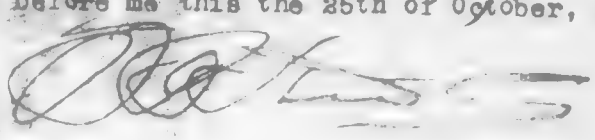
In the matter of the application of Martin L. Stokes for enrollment as a Cherokee citizen.

Commissioner Needles: The Cherokee Nation, by Mr. J.L. Baugh, comes and presents a certified copy of the decree of divorce in the case of Mattie B. Stokes, ~~defendant~~ against Martin L. Stokes, defendant.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.



Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 28 1901

"R"

Cherokee D 28.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Martin L. Stokes for enrollment as a citizen of the Cherokee Nation.

Appearances:

William P. Thompson, Vinita, I.T., Attorney for applicant;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: Attorney for the applicant closes this case as regards testimony, and will be granted ten days in which to file brief with the Commission, and copy of the same with the Representatives of the Cherokee Nation.

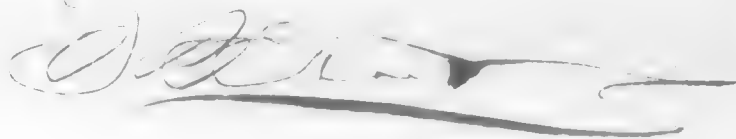
The representatives of the Cherokee Nation will be granted ten days thereafter in which to file brief in reply.

BY MR. THOMPSON: The briefs to show the contention of the parties.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 18, 1902.



Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.

Muskogee, Ind.Ter., June 2, 1902.

In the U.S.Court, Northern District, Indian Territory.

Mattie B.Stokes, Plaintiff.

VS

Marten L.Stokes, Defendant.

This cause coming on to be heard before me under the general order of reference, due notice of the taking of this testimony having been given, and both parties appearing in person by attorneys P.L.Davis and James Akin, Esqs., representing the plaintiff and Davenport & Thompson for defendant, the following proceedings were had:

Mattie B.Stokes, sworn, I live 4 miles south of Afton. My name is Mattie B.Stokes. I am 26 years of age. I reside in the Northern District, Ind.Ter. I was married to defendant 10th day of March, 1889. I am Cherokee Indian by blood. Defendant was citizen of U.S. at the time we were married. We were married according to the Cherokee law, and lived together seven years. At the time we were married I held no land in cultivation, neither did I have any property such as horses, cattle, and so forth. He had only one horse that I know of, that was all. At the time we separated we had under fence 300 acres 2 1/2 miles west of Afton. This was divided up in 160 acres in cultivation and the remainder pasture and hay land. There was a house, frame, three rooms, barn and good orchard. At the time we separated defendant said he wouldn't take \$1500.00 for it. Besides this we had two mules and one horse; about 15 head of hogs; wagon, harness, plows, harrows, binder and other machinery to work the farm with; household and kitchen furniture; he had some corn, I do not know how much. We also had a crop of wheat in on my father's place, I do not know how much. We gave \$77.50 for him and \$10.00 to have the horse brought to our place. I do not know what the other stuff was worth.

It is hereby agreed by the parties that the 1893 payment of the Cherokee Nation, the share due Mattie L.Stokes, amounting to \$13.65, and that the money due Mattie L.Stokes from what was called the strip payment was drawn by herself, amounting to \$265.70.

This money was all spent and used on this place, except the \$87.50 which went to pay for the horse. I now have the horse. I did the house work and stayed there while we lived together. The mules belonged to defendant's father, who gave them to him to take out to the place. I do not know whether defendant's father intended to take the mules back or not. We had no house-hold furniture at the time we were married, nor any other materials, all of which were purchased by defendant or were given to him by his father after we were married. Defendant has a little money, I do not know how much. I had a few house-hold things given to me by my people.

We sold the products of the place each year and used the proceeds used in keeping up the place, living expenses and buying farming implements. We moved onto our place in 1889 and remained there six years, when we moved to my father's, where we stayed 11 months when we separated. We had various quarrels during our life on our own farm, but nothing serious until we went to my father's to live. Mr.Stokes and I left the farm because he said he was not doing any good, hardly making expenses, because the lane on our place was not very good. My father offered if come down there to give Mr.Stokes one-half of all that they raised on the place, and we intended to rent our place out for cash, if we could, if not, to take grain rent for it.

The trouble began on Easter Sunday, 1896, in the evening between sundown and dark, he asked me to go walking. I went. While we walking he said I had made a perfect fool of myself that day while singing with my first cousin, Sam Sixkiller, and Mrs. Lula Cunningham. We had sang some. The company there was our family friends and neighbors. I stood on one side of Mrs. Cunningham and my cousin stood on the other. I answered I didn't think I had done anything. We went about a quarter from the house. My maiden name was Mattie Sixkiller.

The next morning after breakfast, after he and I had eaten breakfast, defendant came into the sitting room where I was. We hadn't gotten over our difficulty of the night before. When he came in he said: "I am going to leave, and before I leave some is going to get hurt." I asked him what he meant by somebody going to get hurt. He answered, "You will see." Sam Sixkiller, my cousin, had come to my father's the Thursday before Easter Sunday. I did not invite him and I do not know how he happened to come.

During the six years we lived on the place we made, Sam Sixkiller never visited us. Up to the Thursday before the Easter Sunday aforesaid, my husband and I had never had any trouble over Sam Sixkiller. Sam had never been to my father's house before this while we were there. On this Thursday when Sam Sixkiller came there I told my husband he was coming and I wanted him to come in and fix up, as I hadn't seen him in a long while and wanted him (my husband) to look nice. He didn't say anything and didn't come in. After a while he came in and completely ignored my cousin, in short, treated him coldly and paid no attention to him.

Before and after our marriage I had never noticed any acts of jealousy on the part of the defendant except once after we were married he spoke to me rather shortly because I inquired if Walter Griswood had left Mr. Green, I having heard he was going to and simply inquired.

At times the defendant's conduct was very tyrannical towards me, at times during our married life, otherwise he was a good husband; I was happy when he treated me right, but when he scolded me and abused me I was not happy. Whenever he had his way he was all right. When things did not suit him he scolded and abused me.

We lived together as man and wife during the time we lived at my father's, occupying the same bed room separate from the others. Sam Sixkiller stayed at my father's from April to Sept. I do not know where he was living before. On the Thursday he came, I slept with my husband and thereafter I slept with him except with my mother one night after this Easter Sunday. The occasion for this was, before retiring my husband said to me, we can't get along and if we are going to separate we might as well separate now and for me to find another place to sleep. I went and slept with my mother. We fussed continuously after the Easter Sunday, the defendant threatening several times to leave me. The first time was after we had gone to bed. He got up, woke me up, and said he was going to leave me. I did not know what to do, he scared me to death. I got up, clung to him, and begged him not to go, and after pleading with him he agreed not to go and went back to bed. Another time after he had gone to bed he threatened to go and got up and dressed. A third time within the same month he woke up one night when it was raining and said he was going to leave me and woke me up to tell me good bye. He had said this several times before I, and I began to think he was fooling, so I did not take on but said, "What am I going to tell the folks in the morning when they find you are gone. He said he didn't know. Well, I said, if you are going, I will get up and rouse the whole house, so they can see where you are gone to and why you left. He said no, don't do that. I got up and was dressing, and then he said he wouldn't go, if I wouldn't wake them up, I said well you go back to bed and behave yourself, and act like a man, and I will not tell them anything about it. He did so.

Hearing at this point adjourned.

February 9th, 1900, pursuant to adjournment, the hearing of above testimony is resumed.

Examination continued by Preston S. Davis:

Q. Did the defendant, during the time that you lived with him, ever make any threats to do you harm?

A. Not directly, but he told me on one occasion that he would take strychnine, and that I would have to bear the blame.

Q. At that time did he have any strychnine?

A. He did. He had a bottle of strychnine, and held it up in his hand when he made the threat and said that he would take it. I found a razor in the buggy one time. I went to get a wrench out of the buggy and found a razor in the buggy in the back in the lap robe, this was in my husband's buggy. It was my husband's razor, he had been trying to get me to go driving with him in the buggy frequently, just before I found the razor.

Q. Was it after your husband made the threat that he was going to leave you, and that before he left he would hurt somebody, that you found this razor in the buggy?

A. Yes, sir.

Q. Was it after he made the threat with the strychnine that you found the razor in the buggy?

A. Yes.

Q. What effect did these threats and the finding of this razor in the buggy have upon you?

A. It made me very much afraid of him, afraid to be with him alone or to go home with him.

Q. What effect did it have upon your peace of mind and happiness and your relations as wife of defendant?

A. It made me very unhappy, my condition was rendered unbearable and intolerable.

Q. During the time you lived with your husband how did you demean yourself towards him?

A. I was a true and affectionate wife as far as I could be.

Q. Did you ever knowingly and purposely give him any occasion to treat you in this manner and to offer these indignities to you?

A. No, sir.

Q. As the result of this continued treatment on the part of your husband towards you, what finally took place as to your living together?

A. We finally separated on the 13th of July, 1896.

Q. Has the defendant lived with you since that time?

A. No, sir.

Q. Has he cared for you or contributed anything towards your support since that time?

A. No, sir.

Q. Has he performed any of the duties of a husband toward you since that date?

A. No, sir, none at all.

Q. On account of this treatment which you have told about, could you live with the defendant as his wife?

A. No, sir, it would be impossible to live with him as his wife.

Q. Do you know what caused the defendant to use this conduct towards you?

A. No, sir, but from what he said and the way he acted it grew out of jealousy.

Q. What is his condition as to being a jealous person?

A. He is high tempered, over-bearing and jealous, and a person that is very hard to get along with.

Q. Did you ever have any children?

A. No, sir.

Q. How old are you now?

A. 26 years old.

Q. Where do you live, and where does the defendant now reside?

A? In the Northern District of the Indian Territory.

Q. Did the defendant ever strike or offer to strike or lay his hands on you to strike you when you lived with him?

A. On one occasion he kicked a chair after me, on another occasion he caught me by the wrist and jerked and twisted my wrist and asked me what I would do if he would hurt me, he was angry at the time.

Q. How long have you lived in the Northern District of the Indian Territory?

A. For the last 26 years continuously.

Q. Did the cause of divorce alleged occur and exist in the Northern District of the Indian Territory and within five years next before the commencing of this suit?

A. It did.

Mattie B. Stokes.

Mrs. Emma Sixkiller, being first duly sworn, states as follows:

Direct examination by Preston S. Davis:

Q. State your name, age, place of residence and relationship to the plaintiff.

A. Emma Sixkiller, 46 years old, live near Afton, Ind. Ter. I am the mother of plaintiff.

Q. After the marriage of your daughter to the defendant, did they reside or make their home at your house?

A. They did.

Q. How long did they make their home at your house before they separated?

A. About ten or eleven months.

Q. During the time they made their home at your house what was the conduct of the defendant towards the plaintiff?

A. He was extremely cruel in his treatment of her.

Q. State what you know of his treatment.

A. The day the defendant made the threats about taking the strychnine, my daughter came running into the kitchen extremely excited and agitated, holding the bottle of strychnine in her hand saying that her husband had threatened to take it and throw the blame upon her, the defendant tried to prevent the plaintiff from coming to where I was, the defendant said that he knew he was not doing right to frighten the plaintiff in this way, but only laughed when I talked to him about the matter. I had the strychnine burnt up, it was strychnine that the defendant had gotten to poison rats with. I also found the razor in the back of the buggy of defendant.

Q. During the ten or eleven months that the plaintiff and defendant made their home at your house, what was her condition as to being happy or otherwise?

A. She was absolutely miserable, crying fully half of the time, eating very little and in very poor health besides.

Q. What effect did this treatment of defendant have in producing this condition?

A. It was the sole cause of it, the plaintiff was never very strong and had been worked down.

Q. During this time what was the plaintiff's conduct towards the defendant?

A. As far as I could observe she demeaned herself towards him at all times as a faithful and affectionate wife, the defendant was very quarrelsome, over-bearing, captious and extremely hard to please.

Q. As far as you saw or know, did the plaintiff give the defendant any cause for his cruel treatment?

A. No, sir, she did not.

Q. Do you know when they separated.

A. July 13th, 1896.

Q. From what you saw and heard between these parties while they lived at your house, and from what you know of their married life since they married, do you think it would be possible for them to live together as man and wife with any degree of happiness?

A. No, sir, I don't.

Q. As the result of this treatment of the plaintiff by the defendant, what was her physical and mental condition immediately after they separated?

A. It was very poor, she was low spirited and dejected, she had to have a physician and took a course of treatment to regain her health.

Emma Sixkiller.

Luke Sixkiller, being first duly sworn, on oath testifies as follows:

Examination by Preston S. Davis:

Q. State your name, age, place of residence and relation to plaintiff.

A. Luke Sixkiller, I am 45 years old, live near Afton, I.T., am the father of plaintiff.

Q. Did these parties to this suit after their marriage ever live at your house?

A. Yes, sir, they lived there about 11 months.

Q. Were they living at your house when they separated?

A. Yes.

Q. How did they get along while they lived at your house?

A. From what I saw they got along extremely bad.

Q. Who seemed to be at fault in the matter?

A. The defendant.

Q. What was his treatment and conduct towards the plaintiff?

A. From what I could see, his treatment was insulting and extremely cruel, overbearing. I had dogs on my place that I treat better than defendant treated plaintiff.

Q. What was the conduct towards, and treatment of plaintiff of defendant?

A. She always treated her as nice and gentle as a woman could treat a man.

Q. State what you know and say of defendant's treatment of plaintiff.

A. I heard the plaintiff screaming one evening and went to the house and found her extremely excited and worked up over the defendant threatening to kill himself with strychnine, I saw the razor that the woman found in defendant's buggy and I know it to be an old razor that the defendant had in his possession on his place at the time he moved to my house to live, and that it is the same old razor that he left at his place when he moved, he and I having decided that it was not worth taking. I know that it was not brought to my place when he came there to live.

Q. What effect did this cruel treatment of the defendant have upon the mind and health of plaintiff?

A. It had a severe effect, it distressed and made her miserable and unhappy and very seriously impaired her health and peace of mind.

Q. From what you know and saw of the defendant's treatment of the plaintiff, do you think it would be possible for the plaintiff to live with him as his wife?

A. No, I do not.

Q. As far as you know or saw, did the plaintiff ever give the defendant any occasion for this treatment?

A. No, he did not.

Q. Since these parties separated, where has your daughter made her home?

A. With me.

Q. Who has provided for her?

A. My wife and I. The defendant has never lived with her or provided for her in any way since they separated.

Q. What has been the conduct of the plaintiff since their separation?

A. She has conducted herself properly as any woman should, in all respects, and in keeping with her bringing up.

Luke Sixkiller.

No.1101.

IN THE UNITED STATES COURT FOR THE NORTHERN DISTRICT OF THE
INDIAN TERRITORY, SITTING AT VINITA.

Mattie B.Stokes, Plaintiff,

vs

Martin L.Stokes, Defendant.

Stipulation as to Property.

Comes now Mattie B.Stokes and Martin L.Stokes, the parties plaintiff and defendant herein, and present to the Court this, their stipulation as to the division of property sued for by the plaintiff in the above entitled cause.

It is agreed between the parties hereto that the plaintiff shall have as her part of the property one gray horse; \$75.00 in cash; one oak bedstead; one stand table; one cook stove; one safe; and one set of dishes, now in the possession of the defendant, two and a half miles north-west of Afton, I.T., said plaintiff to have the right to the immediate possession of the above described property, on demand.

It is further agreed between the parties hereto, that defendant shall have and retain one span of mules, wagon and harness; one clock; one self-binder; one plow; one cultivator; one drill; one buggy and harness; one harrow; one wheat fan; and one improvement, located two and a half miles north-west of Afton, I.T., consisting of about three hundred acres of land under post and wire fence, one hundred and sixty acres of which is in cultivation; one three room house; barn; lots; and all other improvements thereon, together with all the right, title, interest and appurtenances thereto belonging.

It is further stipulated and agreed between the parties hereto, that the plaintiff shall pay all the Court costs and the costs of her witnesses; and that the defendant shall pay the costs of the witnesses in his behalf.

In witness whereof, we have hereunto set our hands this the 8th day of February, A.D.1900.

Mattie B.Stokes, Plaintiff.

M.L.Stokes, Defendant.

United States of America,

)
)ss.

Indian Territory, Northern District.)

In the United States Court in the Indian Territory, sitting in and for the Northern District at Vinita.

Mattie B.Stokes, Plaintiff,)
vs
Martin L.Stokes, Defendant.)

Equity.

I, L.F.Parker, Jr., Master in Chancery of this Court, show unto the Court that under the general order of references I examined the pleadings and have taken the proof in this cause, and the same having been concluded, I beg to submit the following report:

That the plaintiff is a citizen by blood of the Cherokee Nation, and has resided in the Northern District of the Indian Territory for more than one year before this suit was filed. That she and the defendant, a citizen of the United States at the time, were duly married under the laws of the Cherokee Nation, on the 10th of March, 1889, that thereafter they lived and co-habited together as man and wife until July 13, 1896, when they separated.

That during the entire time they lived together, but especially during the last year they lived together, the defendant was harsh, cross and quarrelsome to the plaintiff, abused, struck and slapped her, threatening to leave and abandon her, and by this treatment and these indignities to her person, did render her condition intolerable.

That this condition of affairs continued up to, and existed at the time they separated.

That plaintiff has not, since that time, lived with defendant as his wife, nor in any way condoned the indignities heaped upon her, and he has not contributed to her support since.

That the cause of divorce occurred and existed within the Northern District, Ind.Ter., and within five years next before the commencement of this suit.

The premises considered I recommend that the bonds of matrimony heretofore existing between these parties be dissolved, and that plaintiff Mattie B.Stokes, be given a decree of divorce from defendant, Martin L. Stokes, and that she be given her maiden name, Mattie B.Sixkiller, and returned to all the rights of a free sole.

Respectfully submitted,

L.F.Parker, Jr.,

Master in Chancery.

2-12-1900

United States of America,)
Indian Territory, Northern District.) ss.

In the United States Court in the Indian Territory, sitting in and for the Northern District thereof, at Vinita.

At a term held at Vinita, in the Indian Territory, beginning on the 15th day of January, 1900,--Present, the Honorable Joseph A.Gill, Judge of said Court.--The following proceedings were had and the following order was made and entered of record, to-wit:

Mattie B.Stokes, Plaintiff,

vs

No.1101.

Martin L.Stokes, Defendant.

Now on this 15th day of February, A.D.1900, the same being one of the regular days of the January term of said court, this cause coming on to be heard, on the report of the Master in Chancery, -this day filed herein, -and there being no exceptions filed to the same, -said report is in all things approved and confirmed.

It is therefore considered, ordered and decreed by the Court, that the bonds of matrimony heretofore existing between the plaintiff and defendant be, and the same is hereby dissolved, set aside and held for naught.

It is further ordered by the Court, that a fee of \$15.00 be allowed the Master in Chancery herein.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original, offered in evidence in the application of Martin L. Stokes, Cherokee. D 28.

Hetta Chick.

s.

R. Chick

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 7, 1902.

In the matter of the application of Martin L. Stokes for the enrollment of himself as a citizen or intermarriage of the Cherokee Nation.

George W. Williams, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A George W. Williams.
Q What is your age? A Fifty-eight.
Q What is your postoffice? A Afton.
Q Do you know Martin L. Stokes who is an applicant before this Commission for enrollment as an intermarried citizen? A Yes sir.
Q How long have you known him? A About ten years I guess.
Q What is his wife's name, do you know? A Mattie L. his present wife.
Q Was he ever married prior to his marriage to this wife? A Yes sir.
Q How many times? A Once.
Q Was his first wife a white woman or Cherokee? A A Cherokee.
Q Do you know whether they separated? A Yes sir, they separated.
Q Were they divorced afterwards? A Yes sir, he said they were; I never saw his divorce papers; he got them in the United States Court.
Q Do you know whether she left him or he left her? A I could not say that.
Q You don't know anything about that? A No sir.
Q After his divorce he married his present wife? A Yes sir.
Q Do you know anything about the cause of the separation between Martin L. Stokes and his first wife? A No sir.
Q Do you know about when he was married to his first wife? A No, he has been married about ten years.
Q Do you know how long they lived together as husband and wife? A Some four or five years.
Q And then they separated and he got a divorce from her in the United States Court? A Yes sir.
Q And since he was divorced he married again? A Yes sir.
Q Is his second wife a Cherokee or white woman? A A Cherokee, a daughter of mine.
Q Is his second wife and he living together ever since their marriage as husband and wife? A Yes sir.
Q Living together as husband and wife on the first day of September, 1902, were they? A Yes sir. They married the first day of June, 1901.
Q Do you know how long Martin L. Stokes lived in the Cherokee Nation to your knowledge? A I expect he lived here twenty years.
Q How long have you known him? A About ten years.
Q Has he lived in the Cherokee Nation all the time for the last ten years? A Yes sir.
Q Has his present wife lived in the Cherokee Nation all her life? A Yes sir.
Q They have no children? A No sir.
Q Has he any children by his first wife? A No sir.

The undersigned, being duly sworn, states that he is a member of the Commission to the Five Civilized Tribes and that he has correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of the same.

Subscribed and sworn to before me
this 30th day of October, 1902.

John H. Williams
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1902.

In the matter of the application of MARTIN S. STOKES, for the enrollment of himself as a citizen by intermarriage, of the Cherokee Nation:

MARTIN S. STOKES, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Martin S. Stokes.
Q What is your age ? A Thirty two.
Q What is your post office address ? A Afton.
Q Are you the same Martin S. Stokes who made application to the Commission for enrollment as an intermarried citizen in 1900 ?
A Yes sir.
Q What was your Cherokee wife's name, Mr. Stokes ?
A Madge B. Sixkiller.
Q When were you married to Madge B ? A In 1889.
Q Were you ever married before you married Madge B ?
A No sir.
Q Was she ever married before she married you ? A No sir.
Q How long did you live with Madge B. after you were married to her before you separated ? A Seven years.
Q Where were you living when you separated ?
A At her mother's.
Q Well, when you separated, did you leave her or she leave you ?
A Why I asked her to come and go home with me; in the first place we were working that place for one year, and at the end of that time I moved back on the place, as we couldn't get along with her mother's folks, and me and her, and so at the end of the year I moved back to our place, and asked her to go with me.
Q Did she refuse to go ? A She refused to go.
Q Did you ever try to get her back after that ?
A On several different occasions I went after her.
Q Did she refuse to go ? A Yes sir, she refused to go.
Q Have you ever gotten a divorce from your wife Madge Sixkiller ?
A She got a divorce.
Q In what court ? A United States court.
Q Where ? A At Vinita.
Q Did you appear and defend the suit ? A No sir.
Q You let it go by default ? A We compromised it.
Q How ? A On the outside of the court.
Q What kind of a compromise did you make ?
A She agreed not to interfere with my rights at all if I would give her a divorce.
Q What ground did she get the divorce on ?
A She claimed cruelty.
Q Did she set up that you treated her cruelly ? A Yes sir.
Q You know that, didn't you, all the time ? You knew that that was what she claimed it on ? A Yes sir.
Q You didn't make any appearance after you compromised, at all ?
A No sir.
Q You just let it go by default ? A Yes sir.
Q Did you treat her cruelly while you were living together ?
A No sir.
Q Did you always treat her well ? A Yes sir.
Q And provided for her ? A Yes sir.
Q You have married again since you got a divorce ? A Yes sir.

- Q Who have you married this last time ? A Mattie L. Williams.
Q Is she a Cherokee by blood also ? A Yes sir.
Q When did you marry Mattie L. Williams ? A July 2, 1901.
Q Have you and your wife Mattie L., lived together continuously since your marriage, as husband and wife, up to the present time ?
A No sir. Till 1897.
Q You didn't understand. You married Mattie L. Williams in 1901 ?
A Yes sir.
Q Have you and Mattie L. Williams lived together as husband and wife up to the present time ? A Yes sir.
Q Are you living together yet ? A Yes sir.
Q Were you living together as husband and wife on the first day of September, 1901 ? A Yes sir.
Q How long have you lived in the Cherokee Nation ?
A Ever since 1884.
Q All the time since 1884 up to the present time ? A Yes sir.

Examined by J. C. Starr.

- Q Where were you living at the time you separated from your first wife ? A At her mother's.
Q How long had you lived there ? A One year.
Q At the end of one year you wanted to go away ? A Yes sir.
Q And wanted to take her with you ? A Yes sir.
Q And because she wouldn't go with you you went off and left her ?
A Me and her folks couldn't get along.
Q Was that the cause of the separation ?
A It was because she wouldn't go home with me.
Q You went off and left her then ? You went off and left her there at that place where you had lived a year ?
A Yes sir.
Q What is the name of her mother ? A Emma Sixkiller.
Q What is the name of her father ? A Luke Sixkiller.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 13, 1902.

E. C. Bagwell
B. C. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 2, 1902.

In the matter of the application of Martin L. Stokes for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Applicant appears by W. P. Thompson; Cherokee Nation by W.W. Hastings.

Mattie B. Stokes being sworn and examined, testified as follows:

By W. W. Hastings: What is your name? A Mattie B. Stokes.
Q Where do you live, Mrs. Stokes? A Four miles south of Afton.
Q In the Cherokee Nation? A Yes sir.
Q What was your maiden name? A Mattie B. Sixkiller.
Q Is your father's name Luke Sixkiller? A Yes sir.
Q Do you live with your parents now? A I do.
Q When were you married? A March 10, 1889.
Q Who did you marry? A Martin L. Stokes.
Q The applicant? A Yes sir.
Q How long did you and Martin L. Stokes continue to live together as husband and wife? A Seven years.
Q You separated then in '96? A Yes sir.
Q What time in '96 did you separate? A On the 13th day of July.
Q Where were you living when this separation took place? A We were living with papa and mamma at their home.
Q How long had you been making that your home? A About a year, almost a year; I don't know exactly, very near a year.
Q Was there any difficulty between your father and mother and your husband? A None whatever.
Q They were on good friendly terms? A Yes sir.
Q Had you and your husband ever separated prior to this last separation? A He had threatened to leave me; on one occasion he went to Springfield; he said he was leaving me and didn't know whether he would ever come back; he came back within a week though.
Q No separation took place? A No sir, this was the only separation.
Q Your former husband was a white man? A Yes sir.
Q Well, which left the other at the time the separation took place in July of '96? A He left me.
Q Where did he go to? A He went to the farm out home.
Q How far was the farm from where your father and mother lived with whom you were living? A About six and a half miles.
Q State whether or not he had the farm rented out for that year? A He had it rented.
Q Was there any vacant houses on the farm at that time other than those occupied by renters? A No sir.
Q Mrs. Stokes, did you try and get him to remain with you there? A I did.
Q Did you beg him to? A I begged him as hard as a woman could and I told him I would live with him if he wouldn't leave but if he left I wouldn't live with him again.
Q But you used your persuasive power to live with him? A I did.
Q Did he refuse to do that? A He refused, but he went.
Q State now in your own way to the Commission what led up to this separation, his conduct toward you prior to the separation and up to that time? A Jealousy and cruel treatment and slander was the cause of the separation.
Q In what way did he mistreat you? A In his language to me and in his actions to me and in his threats as to what he would do.
Q What threats if any did he make? A He threatened if he would hurt me how could I help myself, and on several occasions he struck me and things like that. And in his language to me his threats caused me to feel very bad.

2-Martin L. Stakes-

Q Did he ever threaten yours or his own life? A He threatened his own life.

Q How long before this separation? A About a month or such a matter.

Q In what way did he threaten to take his own life? A He threatened to take strychnine and I would suffer the consequences.

Q Where was that? A At my father's home.

Q Did you see any strychnine at the time? A I did and got it away from him.

Q What did you do with it? A I burned it up.

Q This was a month before the final separation? A About a month before the final separation as near as I can give the exact date, about that time.

Q I will ask you if there is any other evidences of that he might mistreat you that you know of? A Yes sir, some where just about the same length of time, I don't know exactly whether it was the same, it was before we separated, I found a razor in the buggy; I couldn't give no account of it and he wouldn't give any account of it. I know it was left at home, but it was found wrapped up in a lap robe in the back of the buggy.

Q This was yours and his buggy? A Yes sir, our own.

Q Did he ever curse you? A No.

Q You say he shook you? A Yes sir.

Q You afterwards sued him for divorce? A I did.

Q The divorce was granted to you? A It was.

Q Were your parents around the place at the time he was trying to take this strychnine or threatened to take it? A They saw the strychnine, but they had nothing to do with taking it.

Q Were they present when he had it? A Yes sir, they were present when he had it.

Q Does your parents know the fact he had a razor concealed in his buggy? A Mama saw the razor in the buggy, but papa didn't see it in the buggy that I knew of.

Q I will ask you whether or not these circumstances and the threats you have related caused you to fear violence at the hands of your husband, either yourself or him, when you were with him or alone? A It was, and I wouldn't be out with him alone.

Q Is there anything else that I haven't asked you about that you think of you want to relate? A Upon one occasion he asked me at night when we were all sitting on the front porch, he asked me to go with him in the back yard he had something to tell me, wanted me to go clear out of the hearing from anybody else; I went with him there and he wasn't satisfied, he wanted me to go with him to the orchard; I didn't want to go, wanted him to tell me there but he would not. On account of finding a razor I wouldn't go with him; we were out of hearing from every body else and I wouldn't go any farther, and it made me suspicious more than ever. If he had anything to tell me why did he want to take me clear out of hearing from everybody else. He could have told me there.

Q And as I understand you his conduct toward you aroused your suspicion and made you fear him? A Yes sir.

Q Under those conditions was it possible for you to live with him any longer? A It might have been possible if he had stayed with me as I asked him, but it was 't with him.

Q Were those the reasons you declined to go with him off to some privy place and live with him? A They were.

Q You tried to get him to live with you at your father's? A I did.

Q Did your father have any objection to his living there? A No sir.

Q Did they ever make any objection? A No sir.

Q The relations were pleasant and agreeable with them? A Yes sir.

Q Anything else to state? A So far as my parents objected to our living there my parents were giving us half of what they made on the place for us to stay there; they wouldn't object if they gave us that.

3-Martin L. Stokes-

They gave us half of everything that was made; he was to help them farm but he was to have half of everything that was made on the place.

Q Anything else you desire to state now? A Not that I can think of.

By Mr. Thompson: You and he had a home of your own, a farm? A Yes sir.

Q He tried to get you to go over there did he? A He did.

Q When he left there, the house? A He did.

Q And afterwards sent for you and wanted you to come over by Henry Hill? A He sent Mr. Hill.

Q He sent Mr. Hill for you to come and live with him? A The farm was rented then.

Q The farm and house belonged to you and him? A Certainly it did.

Q He wanted you to come over there after he went over there? A He didn't send for me; he sent Mr. Hill to talk to me.

Q He sent Mr. Hill over to tell you that he had been sent by him asking you to come over there? A No sir.

Q What did Mr. Hill tell you? A I can't tell exactly what Mr. Hill said; he never said that Mart sent him after me.

Q What did he say? A He said he wanted me to go back to him; he tried to talk to me, but he didn't say he sent him for that purpose.

Q Didn't he send Mr. Livingston down there too? A Yes sir, he did.

Q And asked you to come and live with him? A He did.

Q And your parents objected to your going over there then? A Papa had nothing whatever to do with it.

Q Your mother did? A Mamma said ---.

Q She objected to it? A She had nothing to say about it.

Q Did she when Henry Hill was there? A No sir.

Q She objected when Livingston came there? A She said if I go down there I would be doing a foolish piece of business.

Q You say you don't know how the razor came in the buggy? A No sir, I don't know how it came there.

Q He never threatened your life, he only threatened himself as I understood you, is that what you say? A He asked me if he was to hurt me how could I help myself.

Q Is that the only thing he ever said about injuring you in any way?

A Yes, I believe it is.

Q He never did curse you? A No sir, he never did curse me.

Q He never did strike you? A No sir, but he twisted my arm one day. You hurt me I said, and he said if I was to hurt you how could you help yourself.

Q That was the only time he offered any violence to you? A That is all.

Q That is all the violence, is that right? A Yes sir, I believe it is.

Q You say, Mrs. Stokes, that he was jealous of you? A Yes sir.

Q He had some good ground for that jealousy did he? A No sir, he didn't.

Q Will you please tell the Commission why you withdrew your first bill for divorce on the filing of his answer charging you with adultery with other men? A Mr. Thompson, I never withdrew any bill or what you call it.

Q You didn't? A No sir, if he ever charged me with adultery I didn't know it.

Q What made you withdraw your bill? A I don't understand what you mean.

Q You remember the transaction up there when the case came on for trial in the United States Court at Vinita, taking the test only before the Master in Chancery, you remember they withdrew the original bill and you filed an amended one, swore to it, your attorneys filed it? A I don't know; if I withdrew anything I didn't know, I never retracted a thing and I never will.

Q You did though didn't you? A I don't know.

Q The records show it.

W. W. Hastings: I think you better show the records.

Q Didn't you swear to a certain bill, didn't you file an amended bill in that case, an amended complaint? A Tell me what the amended

4-Martin L. Stokes-

complaint was?

Q I have a copy of it in my pocket. There is a copy of it which I present? A I ask you to read it.

(Complaint read by Mrs. Stokes.)

Applicant's attorney: The record here shows that we filed our original complaint.

Q Did you sign that bill or not? A Yes sir, I signed it.

Q Preston S. Davis and James H. Akin were your attorneys when you signed it? A Yes sir.

Q And you withdrew your charge of desertion from this man as filed in your complaint? A I never withdrew any desertion; do you suppose I would withdraw that and tell a lie about it.

Q I asked you if you did it, did you withdraw the charge, Mrs. Stokes? A I signed that there bill, but I never understood that I withdrew or retracted a thing.

Q They read it over to you? A Yes sir.

Q You knew its contents? A Yes sir; I never knew that I was wrong.

Q You filed this amended bill under an agreement didn't you? A And Mr. Davis told me that it was you all that was retracting.

Q You withdrew the charge of desertion under the agreement didn't you with the understanding that the charge of adultery would not be gone into in this case? A No sir, I never done anything of the kind; I wasn't afraid of any charge of that kind.

Q But that was the understanding between you and your counsel? A That I was to withdraw the desertion if he was to withdraw adultery? No sir, never.

Q You say that positively? A Yes sir, I say that positively.

Q Isn't it a fact that you were intimate with your cousin, Sam Sixkiller? A No sir, Mr. Thompson, and I think if you were a gentleman and if you would respect a woman, even your mother, you wouldn't say anything of the kind.

Q I say answer the question? A I answer it emphatically, no.

Q Do you know Annie Low? A Yes sir, she is my sister.

Q Didn't she get a letter of yours from Samuel Sixkiller, written by you to Samuel Sixkiller, didn't she get a letter written by you while you were living with this man as your husband? A I don't know whether she did or not. You will have to ask her about that.

Q Did you write the letter? A Yes sir, I did.

Q Didn't you state in that letter that you were tired of being the wife of Stokes and wanted to be his wife? A Emphatically, no, I didn't state any such a thing.

Q During Stokes' absence from home weren't you out buggy riding with him several times? A On one time; the time he went to Springfield my sister Annie and I and Sam went into the buggy to the cemetery and we went to Mrs. Duffy; that was the only time I was with him. The three of us drove to the cemetery and when Mr. Stokes come back I told him about it.

Q Is that the only time? A Yes sir, that was the only time.

Q That was the only person he ever was jealous of? A No sir, it wasn't; Mr. Green's nephew, Walter Griswell.

Q What were your relations with Walter Griswell? A I scarcely knew the young man. Mr. Griswell was talking about leaving, and they had been out to our house to a party, and Stokes had been pounding for me to come back, and I asked if Walter Griswell had gone yet and he said I must be awfully anxious to know about Walter Griswell, and I hadn't even thought, just simply asked just like anybody else, but never thought of Walter Griswell for I hardly knew the young man.

Q I will ask one or two questions further in regard to the divorce matter;— up to the time you filed your second complaint Martin B. Stokes and his attorneys took part in the trial of that case before the Master in Chancery didn't they? this amended complaint you read just now, Martin L. Stokes and his attorneys were present? A Yes sir, and Mr. Davis said you all wanted to retract.

Q They were present? A Yes sir.

Q After you filed that amended complaint they weren't present any further?

5-Martin L. Stokes-

further, you took it all on your own side? A I took it on my own side.

Q Wasn't the testimony taken before the Master in Chancery by Preston Davis, and Martin L. Stokes and his attorneys wasn't present any longer? A You were present and Dr. Truitt questioned me.

Q After you filed your amended complaint? A No.

Q The whole thing was taken ex parte, on the outside, after you filed that amended complaint wasn't it? A Yes sir.

By W. W. Hastings: Mrs. Stokes, do you know the technical legal terms of pleadings in Court, what they mean? A No sir.

Q Are you a lawyer? A No sir.

Q Did you ever have a law-suit before this one? A No sir.

Q You had some attorneys employed for you? A Yes sir.

Q And the papers they made out and advised you to sign you signed them? A I did.

By Mr. Thompson: They read this complaint to you and you swore to it? A Yes sir, I signed it.

Q And you knew its contents, they read it over to you? A Yes sir.

Q Wasn't Neal England and Les Cunningham present the time Stokes left? A Yes sir.

Q And weren't they present when he tried to get you to go along with him? A They were there at the house when he left.

Q Weren't they present when he tried to get you to go along with him? A I don't know, I was in too much trouble, I wasn't thinking about it whether they heard it, I don't know.

Q Didn't he ask you to go along with him in their presence? A He asked me back in the house.

Q And they were present? A Yes.

W.W. Hastings: You never denied that did you? A No sir.

Q You were afraid of him was the reason you didn't go? A Yes sir.

Q You tried to get him to remain there? A I did.

Q Your farm was rented out for that year? A Yes sir, it was.

By W.W. Hastings:

Emma Sixkiller, being sworn and examined, testified as follows:

Q What is your name? A Emma Sixkiller.

Q Are you the wife of Luke Sixkiller? A Yes sir.

Q The mother of Mattie F. Stokes? A Yes sir, I am the mother of Mattie F. Stokes.

Q Do you know the applicant here, Martin L. Stokes? A Yes sir.

Q Do you know about the time they separated in '96? A Yes sir; I don't know the date; I have all the dates of everything that transpired, but they are at home.

Q Was it in the summer time? A Yes sir, it was in the summer time.

Q Do you know about how long they had lived together as husband and wife? A Seven years.

Q Where were they living when the separation took place? A They were living in our house, Mr. Sixkiller and my home.

Q How long had they been making that their home? A They came in the fall and that was the next coming summer.

Q Did they have a farm near there? A Yes sir, they had one about two miles from Afton; we lived two miles from Afton and they had one five or six miles from us.

Q Do you know whether they had it rented out that year or not? A Yes sir.

Q The house on their place was occupied by tenants? A Yes sir, I know that because I helped to clean up the stoves when they left. I was there the last day.

Q Do you know whether or not your daughter tried to keep Mr. Stokes from going away? A Yes sir. I didn't hear her say so; she cried and told me ---.

Applicant's Attorney: I object to what she told.

Q She cried about his leaving? A Yes sir, that is how I found out about the trouble. She was crying that was how I found out they were having trouble; that was my first discovery.

6-Martin L. Stokes-

Q What was this trouble about? A It was about Sam Sixkiller her first cousin.

Q Was he her first cousin? A Yes; she told me that is what it was ---.

Applicant's attorney: I object to hearsay evidence.

Q Do you know of any attempts that the defendant here, prior to this separation, made upon his own life or hers? A I know the time that we were out at the front porch and she come and brought a bottle of strychnine; she came hollering, she had the strychnine in her hand, and she said - she held it up- and said do you see that; I said, yes, and she said, she knew what it was and I knew where it was in my house, and she said he would take that and she would suffer the consequences, and she said, Maria what will I do, and I said, burn it up; it is too much foolishness and you have had too much foolishness and before she had it he was there laughing about it, and when I spoke about it to him he said when a man makes a mistake he ought to be forgiven, and I said he made too many mistakes, he ought to quit, he was scaring the life out of her.

Q Do you know whether she was afraid of him? A Yes sir, she was afraid of him because she asked me ---.

Mr. Thompson: I object to that testimony.

Q What did she say?

Mr. Thompson: I object.

Court: A over the question.

A Now I know she was afraid I can give three circumstances that she told me. She told me at one time that he had taken hold of her arm and shaken her and he asked her if he would hurt her how would she help it and who would take her part, and she said to him that she didn't know that anybody would take her part, and he asked her if she wasn't afraid of him, and she said, I told him, No; but said to me, Maria I am afraid of him; that was one time. Another time she said "he acted so strange, he told me a while ago he had something to tell me and I said tell me, and he said I won't tell you here; he said you go with me out and I will tell you." She said, "Maria, I am afraid of him; she said, he is gone near crazy and I am afraid, I can't trust him; but I said, it is a risky piece of business, but he asked you to go, and I said, "go" but don't go so far so that we can hear you, and if you need help we will be there". I said you go out of our hearing but not so far provided you need help, but don't go away too far so we can help you. She went out in the back yard under a tree and she said that was all right and he said go farther, he wanted you to go to the orchard and she wouldn't go; she said she was afraid and said "if you want to tell me tell me right here where we went, and I stood there so long and he wouldn't tell me and I finally went back to the house because I was so afraid of him". That was twice I knowed of. And she asked me again what he sent her to go home with me, and he said "Maria, I am afraid to go home with you, we live at least a mile from anybody, and he wants me to go to my father and father and I don't know what to do". That she said to me: We have given you a world of trouble and I don't want to be in your father's house; I said I will go with you to Afton, I wouldn't tell you that he used rough language, which I can't say here, so he said "let us go to Afton", so there they stayed.

Q Did you ever say to her that Sam Sixkiller was a rascal or a bugger?

A Yes sir, I found the word "bugger" in the paper.

Q Did you ever say to her that Sam Sixkiller was a rascal or a bugger? A Yes sir, I found the word "bugger" in the paper.

Q Did you ever say to her that Sam Sixkiller was a rascal or a bugger? A Yes sir, I found the word "bugger" in the paper.

the buggy she had found a razor, but I found it a day or two before that. I never thought much about it and I left it there at that time, and when I passed her in and told her my part of the work was done and as I passed her she looked odd and I asked her what was wrong - I saw that expression come over her face, she looked purple when she gets that way - and she replied and said "Nothing Mamma", and then when I left her there she called me back and asked me if I put that razor in her buggy; I told her no. I asked her what about the razor, I knew there was a razor there because I had seen it before; she said, yes. I said what about the razor, do you know anything about the razor; she said, yes. I said a razor is a very hard thing to be having trouble, and a razor in a buggy isn't very nice, and I said you better take it out of there, and when she taken it out she put it up in the smoke-house over the door, and I turned around then and went back and I asked her this: "Mattie, what do you know about that razor?" She said "Mamma, it is an old razor that Mr. Stokes had when he moved on the farm from town with us and that razor was in the barn, when we moved, with some tools; how it got in that buggy I don't know; it is strange to me; and I took charge of the razor and it is in the tissue paper I put it in; it is there to-day.

Amplifier's Attorney: Mr. Stokes wasn't present at any of these conversations between you and your daughter about these different things, about the razor business? A No sir, he wasn't there, he was with Mr. Sixkiller somewhere. I think they were hauling hay, I went by sometime.

Q He was not present at the time that your daughter told you about Stokes trying to get her to go in the orchard? A No sir, he wasn't present.

Q He wasn't present at the time she spoke to you about catching her by the arm? A No sir, he wasn't present with us at that time.

Q This old razor had been out in the buggy two or three days you say? A I will tell you just as near as I can get at it. When he left her and went to Springfield, so she told me, by sending a letter, she sent a letter to town to him provided he didn't come back, and she told me that while he might not come back, and I asked her why won't he come back, she said because he said he was going to leave and didn't know whether he would ever come back; I said I don't hardly believe that.

Q You said you would answer my question. I asked you about that razor. How long was it in that buggy? A I will tell you, so when he came back from Springfield my daughter, Mr. Lwo's wife, was there. Mr. Stokes don't like children and when Mr. Stokes come back that evening, Mr. Lwo said I will go home if Hart don't like to be both with children. In order for her to get home she had to borrow her buggy and when I went to put some wet clothes off the line in the buggy, to put them in the back of the buggy, that is how I found the razor the first time; I never thought much about it, I just pushed it to the side and left it there; that is how I found it there first; it had been there from that time until the first or about that is the next coming week.

Q Well, how long was that from the time you discovered it up until the time your daughter found it? A If you wait until I get the dates from home ---.

Q Guess at it? A About three or four days.

Q How long had the buggy been in the el? A Over six or seven days. Stokes came back, he came back that forenoon at the eleven o'clock train and my daughter used it the same evening to go home with; she and it the same evening she told the foreman to load the wet clothes out of the bottom.

Q It was not lying there? A It was lying there in the buggy when I found it.

8-Martin L. Stokes et al.

Q Where did the buggy stay, they had kept it out at the barn? A We didn't have any barn.

Q At his house though, do you mean his buggy? A I suppose when he was at home he kept it in his barn; I never was at his house but a few times.

Q You say the razor was out there in the barn with a lot of tools? A Mrs. Stokes told me.

Q You said Mrs. Stokes told you? A Yes sir, and I say again she told me. I have only the one thing to say, she told me the second time that it was.

Q You never heard any trouble between Stokes and his wife except what she told you? A Yes sir, I heard him talking to her myself, when he said that if she went before the court and made a report about what he said he would scandalize her and the whole family.

Q What was that? A After they had separated and he found out she had entered suit against him.

Q You never heard anything before the suit? A Yes, I heard them talking and I went so far back in the house that I didn't understand a word.

Q You never heard him abusing her? A Yes sir, I heard him abuse her.

Q What did you hear him say? A I heard him say that she wasn't any lady.

Q Anything else? A Yes sir.

Q What else? A I heard him tell her he wasn't going to stay with her.

Q When was that? A When they were fussing.

Q How long before they separated? A I think it was some where about two weeks.

Q All came up about Sam Sixkiller? A Yes sir, and he hadn't been there but a second day when it came up and she hadn't seen him since he was a little boy and never heard a word from him either. And I told her another thing, and I heard Mr. Stokes tell Sam Sixkiller, don't think hard of me because I know you are not to blame for any of this.

W.W. Hastings: Is this the young Sam Sixkiller whose father was killed here? A Yes sir, that is the same one.

Q You used to live at Tahlequah? (No answer).

Applicant's attorney: They had a farm, a house of their own? A Yes sir, they had a farm and a house of their own.

Q Didn't Stokes here try to get his life over with him when he went to the farm? A Yes sir, he wanted her to go with him, and he came several times after that and wanted her to go with him.

Q Did he send for her to? A Yes sir. He sent Wick Dawson and Mr. Hall.

Q A. Wesley Livingston? A And Charley Livingston told me there wasn't a better woman than Mattie Stokes, and he said I was to blame.

Q You wouldn't let her go? A I told her to stay away from him as long as she could.

Q And you wouldn't to blame? A No sir, I wasn't to blame.

W.W. Hastings: What was your reason for her not to go from your place? A I never did tell her not to go.

Q Didn't you indicate it was best for her not to go? A I said it is a dangerous thing to do, but I said stay with your husband as long as you can.

Q You were afraid for her to go? A Yes sir, I was honestly afraid for her to go because I couldn't help it.

Luke Sixkiller, being sworn and examined, testified as follows:

By W.W. Hastings: Your name is Luke Sixkiller? A Yes sir.

Q Your postoffice is Arton? A Yes sir.

Q You the father of Mattie Stokes? A Yes sir.

Q Do you know the applicant, Martin L. Stokes? A Yes sir.

9-Martin L. Stokes-

- Q Were they living at your house at the time of their separation?
A Yes sir.
- Q How long had they been living there when they separated? A Between nine and ten months.
- Q Was he making a crop at your house? A Yes sir.
- Q Did they have a place off from there five or six miles? A Yes sir.
- Q Do you know whether they had it rented out that year? A Yes sir, it was rented.
- Q Were you there the day he left the place? A No sir.
- Q You were not? A No sir. I wasn't there when they commenced moving; I was there when they hauled the last load off.
- Q Do you know of your own knowledge that your daughter tried to get him to remain there with her? A Yes sir.
- Q I will ask you if you know why she wouldn't go with him off to this other place? A She was afraid of him.
- Q Did you know anything about her finding him in the possession of strychnine a month or more, along about that time, before the separation? A I saw the strychnine; I don't know whether she found it in his possession or not.
- Q Did she say so at the time? A Yes sir.
- Q Was he there? A Yes sir.
- Q You know what she did with it? A She burned it up.
- Q Do you know anything about their finding a razor in his buggy along about the same time? A I didn't see the razor but I saw it after it was taken out of the buggy.
- Q About the place? A Yes sir.
- Q And you heard the circumstances? A Yes sir, and all three told me that they saw it in the buggy.
- Q Were you and Stokes friendly? A Yes sir.
- Q Was your wife and him friendly? A Yes sir.
- Q No disagreement between you and your wife and Mr. Stokes? A No sir.
- Q Had any of you urged him to leave there? A No sir.
- Q About what time of the year was this? A It was in July.
- Q Was the rental season over at that time, or a year over? A No sir.
- Applicant's Attorney: They had a home didn't they? A I don't know whether they called it a home or not, they couldn't get possession of it.
- Q I asked you if they didn't own a home of their own? A They said they owned one.
- Q They lived there before they came to your house? A Yes sir.
- Q You don't know whether they owned it or not? A No sir.
- Q You don't know whether that razor was found in the buggy or not? A I don't know.
- Q You saw a razor did you? A Yes sir, I saw a razor and I know where it came from.
- Q Where? A I saw where he put it.
- Q What? A He was moving.
- Q What time? A Along in the fall.
- Q When he was moving to your house? A Yes sir.
- Q Where did he put it? A He put it in a cigar box on a stringer of the barn.
- Q Didn't he have a buggy there at the time? A I don't know.
- Q Did he keep a buggy in the barn? A Yes, he kept the buggy in the barn.
- Q You don't know whether he had made arrangements to get possession of it at that time and how when they left there do you know? A No sir.
- Q You don't know anything about that? A No sir.
- Q Wasn't it a matter of report that they had a home and a farm? A I saw the farm, they called it.
- Q And he been living there? A And he been living over there.

11-Martin L. Stokes-

W.W.Hastings: Have you that letter? A No sir.

Come now the representative of the Cherokee Nation and objects to the testimony of this applicant in his own behalf about what some third party should have stated, when the divorce suit has been gone through with and when abundant opportunity has been given the applicant to bring the other witness or to obtain the letter, which has not been done.

Mr. Thompson: Go ahead? A Her sister told me that she got a letter or found one of her letters her sister had written to her cousin.

Q Name the party? A My wife, Mrs. Stokes, had written to Samuel Sixkiller stating that she was tired of being my wife and wanted to be the wife to him.

Q Did you have that witness at Vinita at the time this case was to be tried before the Master in Chancery? A I did.

Q What was the reason you didn't put that witness on the stand? A They come to me for a compromise.

Q Upon what basis? A They said if I would compromise that they would withdraw the charges of desertion and would just be very fool enough to get a divorce.

Q Did she file an amended complaint? A She filed an amended complaint.

Q And you withdrew your answer charging adultery? A I did.

Q In accordance with that agreement? A Yes sir.

Q Did you ever send for your wife after you went over and got possession of this room, this house? A Yes sir.

Q How long afterwards? A I sent down there about one week afterwards.

Q Who did you send? A Mr. Hill and Mr. Wick Dawson; they come to me and said if I had no objection they would go down there and try to get her to come home and I told them that would suit me and I wished that they would do it.

Q Did you ever go back there yourself and get her to come? A Yes, I went.

Q How many times? A I asked her when I left, I asked her to come and go home with me, and I went back down there again when Mr. England and Mr. Cunningham were there and asked her in their presence.

Q Did you oversee Henry Livingston down there? A I sent him down there.

Q To get her to come and live with you? A Yes, and she said she would come but her father wouldn't let her, she told him.

W.W.Hastings: Were you present? A No sir.

Applicant's Attorney: That was the word that came back to you by your agent? A Yes sir.

Q Had you and she been living in this home on the farm before you went to her father and mother? A Yes sir.

Q And you asked her to come and go back with you on the farm again? A Yes sir, I did.

Q And had a room already arranged for her? A I did.

Q And tried to get her to go back? A Yes sir.

Q The cause was what? A Her folks and me couldn't get along.

Q What about this razor do you know anything about that? A I don't know anything about that razor only when they said they found it in there and they commenced a big row about it.

Q Did you ever offer her any violence? A No sir, I never did.

Q At any time? A No sir.

Q Did you ever threaten to do her any violence? A No sir.

W.W.Hastings: How about the strychnine? A I don't know nothing about that strychnine.

Q You deny that do you? A Yes sir.

Q You heard these three witnesses tell it on the stand? A I did.

Q You deny that? A Yes sir.

Q You deny the razor tale also? A I don't know anything about that.

Q You deny it? A I say I don't know anything about it.

Q You accused this woman of being intimate with Sam Sixkiller? A Yes sir.

Q You say her mother had told you she had a letter, had intercepted a letter? A Yes sir.

Q Did you see the letter? A No sir.

Q Will you please tell the commission while you believe a woman of your own bosom was untrue to you why it is that you attempted to persuade her to go and live with you and yet her being an adulteress? A Her mother was the cause of it.

Q Why is it that you attempted to persuade her, when she had strayed away from the paths of virtue as you believe, why did you attempt to persuade her to go and live with you on a farm and yet you knew she was guilty of it? A I knew if I could get her away from her mother she would be all right.

Q What disagreement had you had with her mother - what had her mother said to you? A She influenced her against my will in everything.

Q But did she ever say? A Lots of things.

Q Tell one? A She told my wife ---.

Q But you - what had she said to you; what had her mother said to you that was disagreeable? A Her mother told my wife ---.

Q I mean you, what has she said to you, this woman's mother; you have represented her as being a terrible woman - what has she ever said to you? A She said lots of things.

Q What is one thing, I want to know, let it go in this record? A I don't understand your question.

Q If this woman was disagreeable and her mother was the cause of your separation and she had mistreated and abused you just tell some of the specific instances of it, wherein Mrs. Sixkiller had mistreated you? A She told my wife to do things that I didn't believe in.

Q What did she tell her to do? A She told her to go and clean up her cousin's room and see that it was in shape.

Q About? A When he come there.

Q How often had he come there? A He stayed there.

Q How long had he been staying there? A He has been staying there about a month.

Q She told her to go and clean up his room? A Yes sir.

Q Did you ever hear her? A I heard her tell her to see if his things were in shape.

Q Did you object to it? A I objected to her seeing after his things more than after my own.

Q He was her first cousin? A I don't know.

Q You know she said and her folks said so? A She said so.

Q Did you have any reason to not believe it? A No.

Q How did Mr. Sixkiller ever say to you? A He never said anything to me that I know of.

Q He always pleased you? A Yes sir.

Q He treated you like a gentleman? A Yes sir.

Q His room was always open to you? A Yes sir, as far as he was concerned.

Q You had been living there nine or ten months? A Yes sir.

Q Your place had been rented but wasn't it? A Yes sir.

Q Didn't this woman here beg you to remain there with her? A She asked me to stay there.

Q And she said she would live with you if you would live there? A Yes sir, if I would stay there.

Q She tried to get you to? A Yes sir.

Q Now as a matter of fact when this divorce suit came up before the court what you were after you were willing to admit cruel treatment and all sorts of indignities; you were willing to confront everything on God's green Earth except in forfeiting your citizenship, wouldn't you? A Yes sir.

Q Didn't you do it, wasn't the only change in those two complaints, namely, the first complaint and the amended complaint she filed, that in the ~~last~~ amended complaint she struck out the clause of

desertion so as to leave your citizenship intact, and then did you agree in those dealings to let the case go, and your lawyers for you? A I was willing to let her have the divorce if she wanted it.

Q It was upon the amended complaint where the desertion was out? A No sir.

Q Wasn't that the difference between the two complaints, one and the other, the one didn't attack your citizenship and the other did? A Under the Cherokee laws I suppose.

Q Wasn't that the difference in the two complaints that was filed? A Yes, that was it.

Q Well then, when that clause was struck out of the second one and your rights were left intact then you were willing to admit anything she said in there? A No sir.

Q You did do it? A Certain things.

Q You didn't longer fight the case? A She wanted the divorce.

Q You didn't fight the case any longer? A Under certain agreements I did 't.

Q You didn't longer fight it? A No sir, after she agreed to withdraw her charges.

Q And you had a rented house in which you had made arrangements to get one room and your tenants was to live in the other part? A He was to move off.

Q When? A In about two months.

Q And you got arrangements to get one room there? A Yes sir.

Q And you wanted to take your wife and stuff to that one room, and because she wouldn't go you left her? A I couldn't live there with then, I wanted her to go.

Q What had Mrs. Sixkiller or Mr. Sixkiller done to make life miserable for you? A They treated me like a dog.

Q How was a dog treated? A When I come to the table they wouldn't notice me, and I would see her and her cousin in the yard playing checkers and dominoes, and she wouldn't have anything to do with me, and I got disgusted.

Q They didn't wait on you at the table? A No sir.

Q They didn't speak to you at the table? A Only when they had to.

Q Is that all the mistreatment? You went off to Springfield a short time before that and you told your wife you weren't coming back?

A I went to see my folks.

Q And didn't you tell her you weren't coming back? A I intended to come back.

Q Didn't you say you weren't coming back? A I went to a neighbor and told him.

Q What did you tell your wife? A I told her I was coming back.

Q She knew you were coming back? A Yes sir.

Q And you told her that? A Yes sir.

Abilene's Attorney: You wanted her to go with you back to your own farm that you and she owned together, at your own home? A Yes sir.

Q Putting the reason you say that you wanted to leave there? A Her mother is always influencing her against my will, what I thought to be right.

Q Kind of a case of too much mother-in-law was it? A Yes sir.

Mrs. Mattie Stokes recalled and examined by Mr. Hastings:

Q Did you ever mistreat your husband while he was living with you at your father and mother's? A No sir, never.

Q Was he ever mistreated by your father and mother? A No sir.

Q Was he neglected at the table or the kitchen? A No sir.

Q Did you always speak to him? A We never had any disagreement at the table except one time after dinner was over he asked me to let

14-Martin Stokes-

well; he scolded me because I asked papa for meat and I didn't ask him; that was the only disagreement. I passed my plate to papa and asked him if he would help my plate to some meat, and when dinner was over Mr. Stokes asked me to go to the well and he gave me to understand I was to ask him for things.

Q Was he always pettish that way? A At times he was and times he was 't.

Q Had either of your parents mistreat him in any particular? A Not to my knowing.

Q I will ask you to state how you came to file that amended complaint?

A When we were before the Master in Chancery or whatever you call it is, both Mr. Stokes' attorneys got up and left the room and they called Mr. Davis and Mr. Allen out, and when they came back they called me out; we went down to the hall and Mr. Davis said like this; he said Mr. Stokes and his lawyers are wanting a compromise and they will compromise if you will strike out the clause that debars him from his rights, and he will retract everything his says, and Mr. Davis said I wouldn't do that for the Cherokee Nation, that is what Preston Davis told me. I said is that what you would do, and I said I haven't a thing to retract, I said if I was your sister would you advise your sister to do; he said I wouldn't have her do that for the whole world.

Q That was under advice of attorneys? A Yes sir.

Q At the amended complaint was filed? A Yes sir.

E. S. Smith: recalled & re-examined by W. F. Watkins:

Q Is your name E. S. Smith? A Yes sir.

Q Are you the father of Martin L. Stokes? A Yes sir.

Q Have you ever mistreat Martin L. Stokes while he was at your house?

A Yes sir, if I can.

Q I asked him that? A Yes sir, I never did, only I told him he should treat his wife better and not treat her ungentlemanly.

Q Did you ever mistreat him at the table? A No sir, never did in my life.

Q Was he ever neglected? A No sir, not even to a button; I had his wife do that, because his wife always did that when a button was off.

Q You never did mistreat him? A No sir, I never did.

Q You never talked to him wrong? A The strongest thing I ever did say to him was the morning that I found her face buried in the quilts and I asked her what was the matter; she didn't come to breakfast and said she didn't tell me and I said you must tell me, you are my child and you must tell me.

Q What did you tell him then? A I will have to tell you when I got a tint point. And when she wouldn't tell me I would go to her and ask him what is wrong, and he raised up from where her face was buried and he said "don't, because you don't know what kind of a nail you are dealing with, and I said, what kind of a man I'm dealing with; I said it don't make any difference to me if there is trouble in your house I want to know, I'm your mother, and she wouldn't say a thing to me about it; and when she come out of the bedroom I got him at the door, just as he came to the porch, -I was there and I said what is the matter with little and he drewed himself up and looked at me in a sarcastical way with an extended smile and he said, "don't say a word about it." And I said "yes"; I said "yes, I'm your mother, I want you to tell me the matter".

Q Did you ever mistreat him while he was there? A I haven't come to the worst word and I don't know how to say I mistreated him. So when I said that he was here, just on my side and stepped up to me and he said "old woman, go in the house and get your dress on" and I said "I'm here in the house, and when I want to know since you give me this kind of mistreatment" and I led him straight in the

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face, and he said "I never had any trouble until I come here" and when he said that I looked at him straight, and I said "Mart, can you tell that and tell the truth" and he said "I never", and I had asked her if she ever had any trouble before and she told me that she did and here she is crying and if she has told me a lie and you tell her before my face and tell her that she has lied to me, then I won't believe her again, and I said you tell her she has lied to me, and he wouldn't tell her so.

That is the worst we have ever had.

Q How long before the separation? A That was when it commenced.

Q Did you distrust him at the table? A Never did.

Q Never neglected him there? A No sir, he never was neglected in my life.

Q Were his things properly taken care of? A Yes sir, his things were properly taken care of.

Applicant's Attorney: You told her not to live with him? A No sir, I never did.

Q Didn't you say so a while ago? A I told her like this- you want to catch me out you can't- I told her like this, it is a dangerous thing for you to go home with him, but as long as he is your husband you stick to him as long as you possibly can; that is what I said and she knows that I told her under the plum tree.

Q You told her she was foolish to go and live with him didn't you?

A I never did tell her that, but I said it would be hard for a woman to live with him under the treatment he was giving ~~her~~ her.

Commission: Case continued by agreement until December 11th, 1902.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

W. H. Rothmeyer

Subscribed and sworn to before me this 4th day of December, 1902.

B. A. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D. C., December 2, 1934.

In the matter of the application of Martin L. Stokes for the enrollment of himself as a citizen of the Cherokee Nation.

Applicant appears by W. E. Stokes, Attorney at Law, Tulsa, Oklahoma.

Martin L. Stokes was sworn and examined, testified as follows:
Q. E. F. Holloman: What is your name? A. Martin L. Stokes.

Q. Where do you live, Mr. Stokes? A. Tulsa, Oklahoma.

Q. How long have you lived there? A. Yes, sir.

Q. What was your father's name? A. Martin L. Stokes.

Q. Is your father still living? A. Yes, sir.

Q. Do you live with your father? A. Yes, sir.

Q. When did you marry? A. March 10, 1928.

Q. Who did you marry? A. Lillian M. Stokes.

Q. How long have you been married? A. Six years.

Q. How long did you and Martin L. Stokes continue to live together as husband and wife? A. Seven years.

Q. You separated then in 1967? A. Yes, sir.

Q. How long in 1967 did you separate? A. On the 10th of July.

Q. Where were you living when this separation took place? A. We were living with my mother and father at their home.

Q. How long had you been married at that time? A. Six years, seven months; I don't know exactly, but near seven years.

Q. Was there any child born to you during that time? A. No, sir.

Q. They were born of that marriage? A. Yes, sir.

Q. Had you and your wife ever separated prior to this last separation? A. He had threatened to leave me, but the objection he had to to that was; he said he was leaving me and I didn't know whether he would ever come back; he came back within a week and I got on.

Q. No separation took place? A. No, sir, this was the only separation.

Q. Your former husband was a white man? A. Yes, sir.

Q. Well, when left the other at the time the separation took place in July of 1967? A. He left me.

Q. Where did he go to? A. He went to the town of Tulsa.

Q. How long was he gone from where you lived? A. I lived with my mother and father. A. About six and a half years.

Q. Did he ever come back to you? A. He came out for a while.

Q. He came back?

Q. He came back several times on the same day, but more than that I cannot say. A. Yes, sir.

Q. He came back, but he didn't try and get back with you? A. Yes, sir.

Q. Did he ever come back to you? A. He came back several times, but he didn't try and get back with me.

Q. He didn't try and get back with you? A. Yes, sir.

Q. He didn't try and get back with you?

Q. But you had a persuasive power to live with him? A. Yes, sir.

Q. Did he refuse to live with you? A. Yes, sir.

Q. State now in your own words to me what happened up to this separation and what you did after the separation. A. I did not do anything after the separation.

Q. I did not do anything after the separation? A. Yes, sir.

Q. I did not do anything after the separation? A. Yes, sir.

Q. I did not do anything after the separation? A. Yes, sir.

Q. I did not do anything after the separation? A. Yes, sir.

Q. I did not do anything after the separation? A. Yes, sir.

Q. I did not do anything after the separation? A. Yes, sir.

Q. I did not do anything after the separation? A. Yes, sir.

Q. I did not do anything after the separation? A. Yes, sir.

3-Helen G. Stokes-

They gave us half of everything that was mine; he was to help their farm but he was to have half of everything that was made on the place.

Q Anything else you desire to state now? A Not that I can think of.

By Mr. Thompson: You and he had a home of your own, a farm? A Yes sir.

Q He tried to get you to go over there did he? A He did.

Q When he left there, the house? A He did.

Q And after this sent for you and wanted you to come over by Henry Hill? A He sent Mr. Hill.

Q He sent Mr. Hill for you to come and live with him? A The farm was rented then.

Q The farm and house belonged to you and him? A Certainly it did.

Q He wanted you to come over there after he went over there? A He didn't send for me; he sent Mr. Hill to tell to me.

Q He sent Mr. Hill over to tell you that he had sent sent by him asking you to come over there? A No sir.

Q What did Mr. Hill tell you? A I can't tell exactly what he said; he never said that that sent him after me.

Q What did he say? A He said he wanted me to go over there; he tried to talk to me, but I didn't say he sent him for that.

Q Didn't he send Mr. Livingston down there too? A Yes sir, he did.

Q And asked you to come and live with him? A He did.

Q And your parents objected to your going over there? A Yes sir, they did; they were afraid of him.

Q Your mother did? A Mother said --.

Q She objected to it? A She had nothing to say about it.

Q Was Mr. Henry Hill was there? A No sir.

Q She objected when Livingston came there? A She said if I go down there I would be doing a foolish thing.

Q Did you tell him how the razor came in the house? A No sir, I don't know how it came in.

Q To never threaten your life, he only threatened himself as I understand it? A That was what he said? A He said he in he was to help me how could I help myself.

Q Is that the only thing he ever said about it? A Yes sir, I believe it is.

Q What did he curse you for? A He said I was a damn good man.

Q He wanted to strike you? A No sir, but he wanted my money.

Q You don't tell him, he said he was to help you how could you help yourself.

Q That was the only time he offered any violence to you? A That

Q That is all the violence, is that right? A Yes sir, I believe it is.

Q You don't remember, do you, when the case came on the

Q He said he was to help you how could you help yourself? A Yes sir, I believe it is.

Q Did you ever go over there? A Yes sir, I went over there.

Q Did you ever go over there? A Yes sir, I went over there.

Q Did you ever go over there? A Yes sir, I went over there.

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Q Did you ever go over there? A Yes sir, I went over there.

Q Did you ever go over there? A Yes sir, I went over there.

4-Martin L. Stokes-

complaint was?

Q I have a copy of it in my pocket. There is a copy of it which I present? A I ask you to read it.

(Complaint read by Mrs. Stokes.)

Applicant's attorney: The record here shows that we filed our original complaint.

Q Did you sign that complaint? A Yes sir, I signed it.

Q Preston S. Davis and James H. Allen were your attorneys who you signed it? A Yes sir.

Q And you withdrew your charge of desertion from this matter and I ask you again? A I never withdrew any desertion charge. I suppose I would withdraw that and tell a lie about it.

Q I asked you if you did it, to withdraw the charge, Mrs. Stokes? A I signed that there will, but I never understood that I withdrew or retracted a thing.

Q They read it over to you? A Yes sir.

Q You knew its contents? A Yes sir, I never knew that I was wrong.

Q You filed this amended bill under an agreement didn't you? A And Mr. Davis told me that it was you all that was retracting.

Q You withdrew the charge of desertion under the agreement didn't you with the understanding that the charge of adultery would not be gone into in this case? A No sir, I never done anything of the kind; I wasn't afraid of any charge of that kind.

Q But that was the understanding between you and your counsel? A That I was to withdraw the desertion if he was to withdraw adultery? No sir, never.

Q You say that positively? A Yes sir, I say that positively.

Q Isn't it a fact that you were intimate with your cousin, Sam Sixkiller? A No sir, Mr. Thompson, and I think if you were a gentleman and if you would respect a woman, even your mother, you would not say anything of the kind.

Q I say answer the question? A I answer it emphatically, no.

Q Did you know Marie how? A Yes sir, she is my mother.

Q Didn't she get a letter of yours from Sam Sixkiller, written by you to Sam Sixkiller, didn't she get a letter written by you while you were living with him, and as you asked? A I don't know whether she got it or not. I will have to ask her about that.

Q Did you write the letter? A Yes sir, I did.

Q Didn't you state in that letter that you were tired of being the wife of Stokes and wanted to be his wife? A Emphatically, no, I didn't state any such a thing.

Q During Stokes' absence from home weren't you out buggy riding with him several times? A On one time; the time he went to Springfield by sister Marie and I and Sam went into the buggy to the cemetery and we went to Mrs. Barry; that was the only time I was with him. The three of us drove to the cemetery and when Mr. Stokes came back I told him about it.

Q Is that the only time? A Yes sir, that was the only time.

Q That was the only person he ever was isolated off? A Yes sir, it wasn't; Mr. Green's nephew, Walter Griswold.

Q What were your relations with Walter Griswold? A I scarcely knew the young man. Mr. Griswold was talking about leaving, and then they had been out to our house to a party, and Stokes had been pounding for me to come back, and I asked Mr. Walter Griswold had he yet and he said I must be awfully anxious to see him. Walter Griswold, and I don't even know him, and simply asked me if I knew him or not, and never thought of Walter Griswold as being my brother-in-law.

Q I will ask you two questions. After you and to the time you signed the bill to the time you filed your second complaint Martin L. Stokes and his attorneys took part in the trial? A Yes sir, they took part in the trial in the court in the trial didn't they? This amended complaint was filed just now, Martin L. Stokes and his attorneys, and Preston S. Davis and Mr. Davis said you all wanted to retract.

Q Were you present? A Yes sir.

Q After you filed that amended complaint they weren't present any further.

5-Martin L. Stokes-

partner, you took it all on your own side? A I took it on my own side.

Q Wasn't the testimony taken before the Master in Chancery by Preston Davis, and Martin L. Stokes and his attorneys wasn't present any longer? A You were present and Mr. Truitt questioned me.

Q After you filed your amended complaint? A No.

Q The whole thing was taken ex parte, on the outside, after you filed that amended complaint wasn't it? A Yes sir.

By W. W. Hastings: Mrs. Stokes, do you know the technical legal terms of pleadings in Court, what they mean? A No sir.

Q Are you a lawyer? A No sir.

Q Did you ever have a law-suit before this one? A No sir.

Q You had some attorneys employed for you? A Yes sir.

Q And the papers that were put out and advised you to sign you signed them? A I did.

By Mr. Thompson: They read this complaint to you and you swore to it? A Yes sir, I signed it.

Q And you knew its contents, they read it over to you? A Yes sir.

Q Wasn't Neal England and his Cunningham present the time Stokes left? A Yes sir.

Q And weren't they present when he tried to get you to go along with him? A They were there at the house when he left.

Q Weren't they present when he tried to get you to go along with him? A I don't know, I was in too much trouble, I wasn't thinking about it whether they heard it, I don't know.

Q Didn't he ask you to go along with him in their presence? A He asked me back in the house.

Q And they were present? A Yes.

By W. W. Hastings: You never denied that they were? A No sir.

Q You were afraid of him was the reason you didn't go? A Yes sir.

Q You tried to get him to read that? A I did.

Q Your farm was rented out for that year? A Yes sir, it was.

By W. W. Hastings:

Emma Sixkiller, being sworn and examined, testified as follows:

Q What is your name? A Emma Sixkiller.

Q Are you the wife of Luke Sixkiller? A Yes sir.

Q The mother of Lattie B. Stokes? A Yes sir, I am the mother of Lattie B. Stokes.

Q Do you know the applicant here, Martin L. Stokes? A Yes sir.

Q Do you know about the time they separated in 1902? A No sir, I don't know the date; I have all the dates of everything that transpired, but they are at home.

Q Was it in the summer time? A Yes sir, it was in the summer time.

Q Do you know about how long they had lived together as husband and wife? A Seven years.

Q Where were they living when the separation took place? A They were living in our house, Mr. Sixkiller and my home.

Q How long had they been making that their home? A They come in the fall and that was the next coming summer.

Q Did they have a farm near there? A Yes sir, they had one about two miles from where they lived, and two miles from where they lived the first of the summer.

Q Do you know about the time they separated in 1902? A Yes sir.

Q I know that because I helped them to separate in 1902. I was there the first of the summer.

Q Do you know whether or not he denied it? A Yes sir, he denied it. I told him that he was lying and he told me.

A Yes sir, he denied it.

Q He cried about his wife? A Yes sir, he cried about his wife. I was there the first of the summer. I was there the first of the summer.

the buggy she had found a razor, but I found it a day or two before that. I never thought much about it and I left it there at that time, and when I passed her in and told her my part of the work was done and as I passed her she looked odd and I asked her what was wrong - I saw that expression come over her face, she looked purple when she gets that way - and she replied and said "Nothing Mamma", and then when I left her there she called me back and asked me if I put that razor in her buggy; I told her no. I asked her what about the razor, I knew there was a razor there because I had seen it before; she said, yes. I said what about the razor, do you know anything about the razor; she said, yes. I said a razor is a very hard thing to be having trouble, and a razor in a buggy isn't very nice, and I said you better take it out of there, and when she taken it out she put it up in the smoke-house over the door, and I turned around then and went back and I asked her this: "Mattie, what do you know about that razor?" She said "Mamma, it is an old razor that Mr.

Stokes had when he moved on the farm from town with us and that razor was in the barn, when we moved, with some tools; how it got in that buggy I don't know; it is strange to me; and I took charge of the razor and it is in the tissue paper I put it in; it is there to-day.

Applicant's attorney: Mr. Stokes wasn't present at any of these conversations between you and your daughter about these different things, about the razor business? A No sir, he wasn't there, he was with Mr. Sixkiller some where. I think they were hauling hay, I won't be positive.

Q He wasn't present at the time that your daughter told you about Stokes trying to get her to go in the orchard? A No sir, he wasn't present.

Q He wasn't present at the time she spoke to you about catching her by the arm? A No sir, he wasn't present with us at that time.

Q This old razor had been out in the buggy two or three days you say? A I will tell you just as near as I can get at it. When he left her and went to Springfield, he told me by sending a letter, she sent a letter to town to him provided he didn't come back, and she told me that while he might not come back, and I asked her why won't he come back, she said because he said he was going to leave and didn't know whether he would ever come back; I said I don't hardly believe that.

Q You said you would answer my question. I asked you about that razor. How long was it in that buggy? A I will tell you, so when he come back from Springfield my daughter, Mr. Lwo's wife, was there. Mr. Stokes don't like children and when Mr. Stokes come back that evening, Mrs. Lwo said I will go home if Bart don't like to be bothered with children. In order for her to get home she had to borrow his buggy and when I went to put some wet clothes off the line in the buggy, to put them in the back of the buggy, that is how I found the razor the first time; I never thought much about it, I just pushed it to one side and left it there; that is how I found it there first; it had been there from that time until the first or about that of the next coming week.

Q Well, how long was that from the time you discovered it up until the time your daughter found it? A If you wait until I get the dates from home ---.

Q Guess at it? A About three or four days.

Q How long had the buggy been standing there? A Ever since Mr. Stokes came back, he came back that forenoon at the eleven o'clock train and my daughter used it the same evening to go home with; she and it the same evening she took the children's shoes and wet clothes out of the bottom.

Q It was just lying there? A It was lying loose in the buggy when I found it.

Q Where did the buggy stay, they had kept it out at the barn? A We didn't have any barn.

Q At his house though, do you mean his buggy? A I suppose when he was at home he kept it in his barn; I never was at his house but a few times.

Q You say the razor was out there in the barn with a lot of tools?

A Mrs. Stokes told me.

Q You said Mrs. Stokes told you? A Yes sir, and I say again she told me. I have only the one thing to say, she told me the second time that it was.

Q You never heard any trouble between Stokes and his wife except what she told you? A Yes sir, I heard him talking to her myself, when he said that if she went before the court and made a report about what he said he would scandalize her and the whole family.

Q When was that? A After they had separated and he found out she had entered suit against him.

Q You never heard anything before the suit? A Yes, I heard them talking and I went so far back in the house that I didn't understand a word.

Q You never heard him abusing her? A Yes sir, I heard him abuse her.

Q What did you hear him say? A I heard him say that she wasn't any lady.

Q Anything else? A Yes sir.

Q What else? A I heard him tell her he wasn't going to stay with her.

Q When was that? A When they were fussing.

Q How long before they separated? A I think it was some where about two weeks.

Q All came up about Sam Sixkiller? A Yes sir, and he hadn't been there but a second day when it came up and she hadn't seen him since he was a little boy and never heard a word from him either. And I told her another thing and I heard Mr. Stokes tell Sam Sixkiller, don't think hard of me because I know you are not to blame for any of this.

W.W.Hastings: Is this ^{the} young Sam Sixkiller whose father was killed her? A Yes sir, that is the same one.

Q Who used to live at Tahlequah? (No answer).

Applicant's attorney: They had a farm, a house of their own? A Yes sir, they had a farm and a house of their own.

Q Didn't Stokes here try to get his wife over with him when he went to the farm? A Yes sir, he wanted her to go with him, and he come several times after that and wanted her to go with him.

Q Did he send for her too? A Yes sir. He sent Wick Dawson and Mr. Hill.

Q And Charley Livingston? A And Charley Livingston told me there wasn't a better woman than Mattie Stokes, and he said I was to blame.

Q You wouldn't let her go? A I told her to stay away from him as long as she could.

Q And you weren't to blame? A No sir, I wasn't to blame.

W.W.Hastings: What was your reason for her not to go from your place? A I never did tell her not to go.

Q Didn't you indicate it was best for her not to go? A I said it is a dangerous thing to do, but I said stay with your husband as long as you can.

Q You were afraid for her to go? A Yes sir, I was honestly afraid for her to go because I couldn't help it.

Luke Sixkiller, being sworn and examined, testified as follows:

By W.W.Hastings: Your name is Luke Sixkiller? A Yes sir.

Q Your postoffice is Arton? A Yes sir.

Q You the father of Mattie Stokes? A Yes sir.

Q Do you know the applicant, Martin L. Stokes? A Yes sir.

9-Martin L. Stokes-

- Q Were they living at your house at the time of their separation?
A Yes sir.
- Q How long had they been living there when they separated? A
Between nine and ten months.
- Q Was he making a crop at your house? A Yes sir.
- Q Did they have a place off from there five or six miles? A Yes
sir.
- Q Do you know whether they had it rented out that year? A Yes sir,
it was rented.
- Q Were you there the day he left the place? A No sir.
- Q You were not? A No sir. I wasn't there when they commenced
moving; I was there when they hauled the last load off.
- Q Do you know of your own knowledge that your daughter tried to
get him to remain there with her? A Yes sir.
- Q I will ask you if you know why she wouldn't go with him off to
this other place? A She was afraid of him.
- Q Did you know anything about her finding him in the possession of
strychnine a month or more, along about that time, before the separa-
tion? A I saw the strychnine; I don't know whether she found it
in his possession or not.
- Q Did she say so at the time? A Yes sir.
- Q Was he there? A Yes sir.
- Q You know what she did with it? A She burned it up.
- Q Do you know anything about their finding a razor in his buggy
along about the same time? A I didn't see the razor but I saw it
after it was taken out of the buggy.
- Q About the place? A Yes sir.
- Q And you heard the circumstances? A Yes sir, and all three told me
that they saw it in the buggy.
- Q Were you and Stokes friendly? A Yes sir.
- Q Was your wife and him friendly? A Yes sir.
- Q No disagreement between you and your wife and Mr. Stokes? A No
sir.
- Q Had any of you urged him to leave there? A No sir.
- Q About what time of the year was this? A It was in July.
- Q Was the rental season over at that time, crop year over? A No sir.
- Applicant's Attorney: They had a home didn't they? A I don't know
whether they called it a home or not, they couldn't get possession
of it.
- Q I asked you if they didn't own a home of their own? A They said
they owned one.
- Q They lived there before they came to your house? A Yes sir.
- Q You don't know whether they owned it or not? A No sir.
- Q You don't know whether that razor was found in the buggy or not?
A I don't know.
- Q You saw a razor did you? A Yes sir, I saw a razor and I know
where it came from.
- Q Where? A I saw where he put it.
- Q When? A When he was moving.
- Q What time? A Along in the fall.
- Q When he was moving to your house? A Yes sir.
- Q Where did he put it? A He put it in a cigar box on a stringer
of the barn.
- Q Didn't he have a buggy there at the time? A I don't know.
- Q Did he keep a buggy in the barn? A Yes, he kept the buggy in
the barn.
- Q You don't know whether he had made arrangements to get possession
of that place and house when they left there do you know? A No
sir.
- Q You don't know anything about that? A No sir.
- Q Wasn't it a matter of report that they had a home and a farm? A
I suppose they had, they claimed it.
- Q And had been living there? A And had been living over there.

10-Martin L. Stokes-

Q Do you know anything about where this strychnine come from? A No sir, I do not. I never saw it until I saw it the night it was brought out.

Q Do you know whether Stokes tried to get Mattie to go with him or not when he left there? A Yes.

Q He did? A He asked her to go with him.

Q Did he ask her to go with him more than once; did he ever come back after that and wanted her to go with him? A I think he only asked her the one time.

Q Were you there when he asked Henry Hill for her to come back? A I don't know whether I was or not.

Q Were you there when he sent Henry Livingston there ^{for her} to come and live with him? A I was there, but I don't know anything about the conversation.

Q Were you there when Wick Dawson came there, sent by Stokes? A Yes sir.

Q And asked her to come and live with him? A I didn't hear the conversation.

Q You know they all came there and talked to her? A Yes sir, they all came there and talked with her.

W.W.Hastings: You say she was told to go and live with him? A Yes sir.

Applicant's Attorney: What did you advise her about the matter? A I advised her to live with him at first and at the last row they had, if you can't live with him - she asked me what must I do - we can't get along, and I said if you can't get along together there is a law here to set him aside; if you can't set him aside the law will.

Q That was your advice when he was trying to get her to come and live with him? A He wasn't trying to get her to come and live with him, this was before.

Q You were advising this before the separation? A Yes sir, this was before the separation.

Q You are her father? A Yes sir.

Q Her mother advised her the same thing? A I don't know.

Q Weren't you present when she advised him not to go with him? A No sir, I wasn't.

W.W.Hastings: You say you saw this razor when they were moving in the fall at your house? A Yes sir.

Q He put it on one of the stringers in the barn? A Yes sir.

Q Is that the same razor that was found in his buggy? A Yes sir, the same razor.

Martin L. Stokes, being sworn and examined, testified as follows:

By W.P.Thompson: What is your name? A Martin L. Stokes.

Q You are the applicant in this case? A Yes sir.

Q When you and Mattie B. Stokes separated did you have a home and a farm? A I did.

Q Did you have possession of it or arranging for the possession of it at the time? A I was arranging for the possession of it.

Q Did you obtain the possession of it? A Yes sir, I got one room of it; it was the understanding as soon as the crop was up the man was to move.

Q You had arranged for one room of it before you left the home of her parents? A Yes sir.

Q Did you ask her to go with you? A Yes sir.

Q How many times did you ask her? A On several occasions.

Q What was the reason for you leaving her parents' home? A Her father and mother, quite a dissatisfaction, the way we were getting along with the crops, and after her cousin come they got on pretty familiar terms and I objected to the way they were carrying on and they got mad about it; her sister told me that she had got a letter from her cousin.

11-Martin L. Stokes-

W.W.Hastings: Have you that letter? A No sir.

Come now the representative of the Cherokee Nation and objects to the testimony of this applicant in his own behalf about what some third party should have stated, when the divorce suit has been gone through with and when abundant opportunity has been given the applicant to bring the other witness or to obtain the letter, which has not been done.

Mr. Thompson: Go ahead? A Her sister told me that she got a letter or found one of her letters her sister had written to her cousin.

Q Name the party? A My wife, Mrs. Stokes, had written to Samuel Sixkiller stating that she was tired of being my wife and wanted to be the wife to him.

Q Did you have that witness at Vinita at the time this case was to be tried before the Master in Chancery? A I did.

Q What was the reason you didn't put that witness on the stand? A They come to me for a compromise.

Q Upon what basis? A They said if I would compromise that they would withdraw the charges of desertion and would just be very fool enough to get a divorce.

Q Did she file an amended complaint? A She filed an amended complaint.

Q And you withdrew your answer charging adultery? A I did.

Q In accordance with that agreement? A Yes sir.

Q Did you ever send for your wife after you went over and got possession of this room, this house? A Yes sir.

Q How long afterwards? A I sent down there about one week afterwards.

Q Who did you send? A Mr. Hill and Mr. Wick Dawson; they come to me and said if I had no objection that would go down there and try to get her to come home and I told them that would suit me and I wished that they would do it.

Q Did you ever go back there yourself and get her to come? A Yes, I went.

Q How many times? A I asked her when I left, I asked her to come and go home with me, and I went back down there again when Mr. England and Mr. Cunningham were there and asked her in their presence.

Q Did you ever send Henry Livingston down there? A I sent him down there.

Q To get her to come and live with you? A Yes, and she said she would come but her father wouldn't let her, she told him.

W.W.Hastings: Were you present? A No sir.

Applicant's Attorney: That was the word that came back to you by your agent? A Yes sir.

Q Had you and she been living in this home on the farm before you went to her father and mother? A Yes sir.

Q And you asked her to come and go back with you on the farm again? A Yes sir, I did.

Q And had a room already arranged for her? A I did.

Q And tried to get her to go back? A Yes sir.

Q The cause was what? A Her folks and me couldn't get along.

Q What about this razor do you know anything about that? A I don't know anything about that razor only when they said they found it in there and they commenced and made a big roar about it.

Q Did you ever offer her any violence? A No sir, I never did.

Q At any time? A No sir.

Q Did you ever threaten to do her any violence? A No sir.

W.W.Hastings: How about the strychnine? A I don't know nothing about that strychnine.

Q You deny that do you? A Yes sir.

Q You heard these three witnesses tell it on the stand? A I did.

Q You deny that? A Yes sir.

Q You deny the razor tale also? A I don't know anything about that.

Q You deny it? A I say I don't know anything about it.

12-Martin Stokes-

Q You accused this woman of being intimate with Sam Sixkiller? A I did.

Q You say her own sister had told you she had a letter, had intercepted a letter? A Yes sir.

Q Did you see the letter? A No sir.

Q Will you please tell the Commission while you believe a woman of your own bosom was untrue to you why it is that you attempted to persuade her to go and live with you and yet her being an adulteress? A Her mother was the cause of it.

Q Why is it that you attempted to persuade her, when she had strayed away from the paths of virtue as you believe, why did you attempt to persuade her to go and live with you on a farm and yet you knew she was guilty of it? A I knew if I could get her away from her mother she would be all right.

Q What disagreement had you had with her mother - what had her mother said to you? A She influenced her against my will in everything.

Q What did she ever say? A Lots of things.

Q Tell one? A She told my wife ---.

Q But you - what had she said to you; what had her mother said to you that was disagreeable? A Her mother told my wife ---.

Q I mean you, what has she said to you, this woman's mother; you have represented her as being a terrible woman - what has she ever said to you? A She said lots of things.

Q What is one thing, I want to know, let it go in this record? A I don't understand your question.

Q If this woman was disagreeable and her mother was the cause of your separation and she had mistreated and abused you just tell some of the specific instances of it, wherein Mrs. Sixkiller had mistreated you? A She told my wife to do things that I didn't believe in.

Q What did she tell her to do? A She told her to go and clean up her cousins room and see that it was in shape..

Q When? A When he come there.

Q How often had he come there? A He stayed there.

Q How long had he been staying there? A He had been staying there about a month.

Q She told her to go and clean up his room? A Yes sir.

Q Did you ever hear her? A I heard her tell her to see if his things were in shape.

Q Did you object to it? A I objected to her seeing after his things more than after my own.

Q He was her first cousin? A I don't know.

Q You know she said and her folks said so? A She said so.

Q Did you have any reason to not believe it? A No.

Q What did Mr. Sixkiller ever say to you? A He never said anything to me that I know of.

Q Was he always pleasant to you? A Yes sir.

Q He treated you like a gentleman? A Yes sir.

Q His home was always open to you? A Yes sir, as far as he was concerned.

Q You had been living there nine or ten months? A Yes sir.

Q Your place had been rented out wasn't it? A Yes sir.

Q Didn't this woman here beg you to remain there with her? A She asked me to stay there.

Q And she said she would live with you if you would live there? A Yes sir, if I would stay there.

Q She tried to get you to? A Yes sir.

Q Now as a matter of fact when this divorce suit came up before the Court what you were after you were willing to admit cruel treatment and all sorts of indecencies; you were willing to confront everything on God's green Earth except in forfeiting your citizenship, wouldn't you? A No sir.

Q Didn't you do it, wasn't the only change in those two complaints, namely, the first complaint and the amended complaint she filed, that in the ~~initial~~ amended complaint she struck out the clause of

desertion so as to leave your citizenship intact, and then didn't you agree in those dealings to let the case go, and your lawyers for you? A I was willing to let her have the divorce if she wanted it.

Q It was upon the amended complaint where the desertion was out? A No sir.

Q Wasn't that the difference between the two complaints, one and the other, the one didn't attack your citizenship and the other did? A Under the Cherokee laws I suppose.

Q Wasn't that the difference in the two complaints that was filed? A Yes, that was it.

Q Well then, when that clause was struck out of the second one and your rights were left intact then you were willing to admit anything she said in there? A No sir.

Q You did do it? A Certain things.

Q You didn't longer fight the case? A She wanted the divorce.

Q You didn't fight the case any longer? A Under certain agreements I didn't.

Q You didn't longer fight it? A No sir, after she agreed to withdraw her charges.

Q And you had a rented house in which you had made arrangements to get one room and your tenants was to live in the other part? A He was to move off.

Q When? A In about two months.

Q And you got arrangements to get one room there? A Yes sir.

Q And you wanted to take your wife and stuff to that one room, and because she wouldn't go you left her? A I couldn't live there with them, I wanted her to go.

Q What had Mrs. Sixkiller or Mr. Sixkiller done to make life miserable for you? A They treated me like a dog.

Q How was a dog treated? A When I come to the table they wouldn't notice me, and I would see her and her cousin in the yard playing checkers and dominoes, and she wouldn't have anything to do with me, and I got disgusted.

Q They didn't wait on you at the table? A No sir.

Q They didn't speak to you at the table? A Only when they had to.

Q Is that all the mistreatment? You went off to Springfield a short time before that and you told your wife you weren't coming back? A I went to see my folks.

Q And didn't you tell her you weren't coming back? A I intended to come back.

Q Didn't you say you weren't coming back? A I went to a neighbor and told him.

Q What did you tell your wife? A I told her I was coming back.

Q She knew you were coming back? A Yes sir.

Q And you told her that? A Yes sir.

Applicant's Attorney: You wanted her to go with you back to your own farm that you and she owned together, at your own home? A Yes sir.

Q What was the reason you say that you wanted to leave there? A Her mother is always influencing her against my will, what I thought to be right.

Q Kind of a case of too much mother-in-law was it? A Yes sir.

Mrs. Mattie S Stokes recalled and examined by Mr. Hastings:

Q Did you ever mistreat your husband while he was living with you at your father and mother? A No sir, never did.

Q Was he ever mistreated by your father and mother? A No sir.

Q Was he neglected at the table as he stated? A No sir.

Q Did you always speak to him? A We never had any disagreement at the table except one time after dinner was over he called me to the

well; he scolded me because I asked papa for meat and I didn't ask him; that was the only disagreement. I passed my plate to papa and asked him if he would help my plate to some meat, and when dinner was over Mr. Stokes asked me to go to the well and he gave me to understand I was to ask him for things.

Q Was he always pettish that way? A At times he was and times he wasn't.

Q Did either of your parents mistreat him in any particular? A Not to my knowing.

Q I will ask you to state how you came to file that amended complaint?

A When we were before the Master in Chancery or whatever ~~was~~ it is, both Mr. Stokes' attorneys got up and left the room and they called Mr. Davis and Mr. Akin out, and when they come back they called me out; we went down to the hall and Mr. Davis said like this; he said Mr. Stokes and his lawyers are wanting a compromise and they will compromise if you will strike out the clause that debars him from his rights, and he will retract everything he says, and Mr. Davis said I wouldn't do that for the Cherokee Nation, that is what Preston Davis told me. I said is that what you would do, and I said I haven't a thing to retract, I said if I was your sister ^{what} would you advise your sister to do; he said I wouldn't have her do that for the whole farm.

Q That was under advice of attorneys? A Yes sir.

Q That the amended complaint was filed? A Yes sir.

Emma Sixkiller recalled and examined by W. W. Hastings:

Q Your name is Emma Sixkiller? A Yes sir.

Q You are the mother of Lattie B. Stokes? A Yes sir.

Q Did you ever mistreat Martin L. Stokes while he was at your house?

A You ask him if I did.

Q I asked him that? A No sir, I never did, only I told him he should treat his wife better and not treat her ungentlemanly.

Q Did you ever mistreat him at the table? A No sir, never did in my life.

Q Was he ever neglected? A No sir, not even to a button; I had his wife do that, because his wife always did that when a button was off.

Q You never did mistreat him? A No sir, I never did.

Q You never talked to him wrong? A The wrongest thing I ever did say to him was the morning that I found her face buried in the quilts and I asked her what was the matter; she didn't come to breakfast and said Mamma I can't tell you and I said you must tell me, you are my child and you must tell me.

Q What did you tell him then? A I will have to tell you when I get at that point. And when she wouldn't tell me I would go to Mart and ask him what is wrong, and she raised up from where her face was buried and she said Mamma don't, because you do 't know what kind of a man you are dealing with, and I said, what kind of a man I am dealing with; I said it don't make any difference to me if there is trouble in my house I ought to know, I am your mother, and she wouldn't say anything to me about it; and when he come out of the bedroom then I met him at the porch, and as he came to the porch, - I was there and I said what is the matter with Lattie and he drew himself up and looked at me in a sarcastical way with an extended smile and he said, "what is the matter with Lattie? And I said "yes"; I said "she is crying" and I asked you what is the matter".

Q Did you ever mistreat him while you were there? A I haven't come to the worst words and I will know how then I mistreated him. So when I said that he drew his fist on my chin and stepped up to me and said "old woman, go in the house and keep your dress on" and I said "there is a white man living with her I want to know since you give me this kind of mistreatment" and I looked him straight in the

15-Martin Stokes-

face, and he said "I never had any trouble until I come here" and when he said that I looked at him straight, and I said "Mart, can you tell that and tell the truth" and he said "I never", and I had asked her if she ever had any trouble before and she told me that she did and here she is crying and if she has told me a lie and you tell her before my face and tell her that she has lied to me, then I won't believe her again," and I said you tell her she has lied to me, and he wouldn't tell her so. That is the worst we have ever had.

Q How long before the separation? A That was when it commenced.

Q Did you mistreat him at the table? A Never did.

Q Never neglected him there? A No sir, he never was neglected in my life.

Q Were his things properly taken care of? A Yes sir, his things were properly taken care of.

Applicant's Attorney: You told her not to live with him? A No sir, I never did.

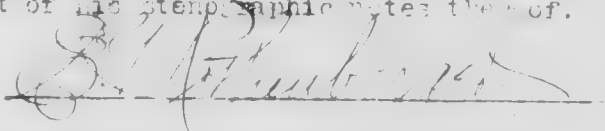
Q Didn't you say so a while ago? A I told her like this- you want to catch me but you can't- I told her like this, it is a dangerous thing for you to go home with him, but as long as he is your husband you stick to him as long as you possibly can; that is what I said and she knows that I told her under the plum tree.

Q You told her she was foolish to go and live with him didn't you?

A I never did tell her that, but I said it would be hard for a woman to live with him under the treatment he was giving ~~xxx~~ her.

Commission: Case continued by agreement until December 11th, 1902.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this 4th day of December, 1902.


Notary Public.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

Muskogee I. T. November 19th 1902.

In the matter of the application of Martin L. Stokes for enrollment as a citizen of the Cherokee Nation by intermarriage.

Cherokee D 228

Motion to reopen case.

Comes now the Cherokee Nation and moves to reopen this case, and for grounds to support this motion states that the Cherokee nation expects to produce as witnesses Luke Sixkiller, Emma Sixkiller, Mattie B. Stokes and other witnesses by whom it expects to prove that Martin L. Stokes did, without any cause whatever abandon and desert his wife Mattie B. Stokes and that while they lived together before the time he did abandon and desert his said wife he was extremely cruel to her and acted towards her in such a way as to render her condition intolerable all on account of his cruel and inhuman treatment toward his Cherokee wife through whom he claims his right to enrollment; The Cherokee nation therefore expects to disprove the right of the applicant to be enrolled as a citizen of the Cherokee nation under the provisions of section 667 of the compiled laws of the Cherokee Nation. This motion is not made for the purposes of delay but that justice may be done.

Respectfully submitted,

Attorney for the Cherokee Nation.

Motion Granted

Nov 22nd 1902

[Signature]

acting Chairman

AAD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, March 6th, 1903.

-----x
In the matter of the application of
Martin S. Stokes for the enrollment
of himself as a citizen by inter-
marriage of the Cherokee Nation.
-----x

)
)
)
)
)
)
-----x
Supplemental to D-28.

Appearances:

W. P. Thompson for Applicant.
W. W. Hastings for Cherokee Nation.

Now comes the Cherokee Nation, by its representative W. W. Hastings, and the applicant, by his attorney W. P. Thompson, and state that they have no further evidence to offer in this case and consent that the case may be closed and submitted to the Commission for consideration.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing proceedings and that the same is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 6th day of March, 1903.

Jesse O. Carr.
Samuel Foreman,
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 23, 1905.

In the matter of the application for the enrollment of
Martin S. Stokes as a citizen by intermarriage of the Cherokee
Nation.

Martin S. Stokes, being first duly sworn, testified as follows:

- Q. What is your name? A. Martin S. Stokes.
Q. How old are you? A. 35.
Q. What is your post office address? A. Afton.
Q. Are you a white man? A. Yes sir.
Q. You claim no right as a Cherokee by blood? A. No sir.
Q. Do you claim as an intermarried citizen? A. Yes sir.
Q. Through whom do you claim that right? A. Mattie Sixkiller.
Q. When were you married to her? A. March 10, 1889.
Q. Is she your first wife? A. Yes sir.
Q. Are you her first husband? A. Yes sir.
Q. You have been divorced from her, haven't you? A. Yes sir,
or rather, she has been divorced from me.
Q. When did you and she separate? A. About seven years after
we were married.
Q. Were you then divorced? A. Yes sir.
Q. Did you then marry again? A. Yes sir.
Q. Who did you marry then? A. Mattie L. Williams.
Q. Is she a Cherokee? A. Yes sir.
Q. By blood? A. Yes sir.
Q. Did you have a tribal license when you married her? A. No
sir.

WITNESS EXCUSED.

Eula Jeanes Branson, being first duly sworn, states that, as
stenographer to the Commission to the Five Civilized Tribes, she
reported the proceedings had in the above entitled cause on the
23rd. day of February, 1905, and that the above and foregoing is a
full and complete transcript of her stenographic notes taken in
said cause on said date.

Eula Jeanes Branson
Subscribed and sworn to before me this the 24th. day of February,
1905.

Myron H. F.
Notary Public.

EX 111 TO 45
FEB 25 1905
COMMISSION TO FIVE TIMES.

Before the Hon. United States Commission to the Five
Civilized Tribes.

In ²¹ Application of
Martin L. Stokes for
Enrollment as a Cherokee
Citizen as an Adopted White.

Statements of Facts.

This case presents the following facts: Martin L. Stokes married Lattie B. Stokes, a Cherokee citizen by blood, under the laws of the Cherokee Nation as shown by marriage license and certificate of marriage; That he lived in the Cherokee Nation always after said marriage; That he lived with her up to a date prior to the Act of Congress of June 28th., 1898; That they were living with his wife's father and mother ~~at~~ ^{at} the time they separated; That he went back to their home and farm and sent for his wife and tried to effect a reconciliation as shown by his testimony and the testimony of Henry Hill; That he refused and told witness Hill "that she had quit and would stay quit" "that applicant had accused her wrongfully and she had quit him"; She afterwards filed suit for divorce in the Circuit Court of the Cherokee Nation and for a decree forfeiting his citizenship which appears in her citation filed in the Cherokee Court; The answer of claimant charged her with wrongful conduct and infidelity; Before case was decided in the Cherokee Court it was transferred to the United States Court; He was present with his witnesses to show her infidelity and she and her parents and attorneys came to claimant in order to avoid exposure and offered to compromise if he would withdraw his answer stating up her immoral conduct, ^{they} she would file an amended complaint withdrawing the charge affecting his citizenship; Claimant having tried to get her to live with him and failed was willing that she should have her divorce and therefore consented to the arrangement

and the proceedings in the case were exparte from that time to final decree.

Argument.

The decree was not granted on the grounds of "desertion" nor "abandonment" and therefore does not come within the laws of the Cherokee Nation declaring a forfeiture of citizenship as is shown in the complaint and decree in the case and it was clearly understood by parties that there was no such charge against applicant as is abundantly shown in the pleadings, answer and decree, and evidence of sworn witnesses in this case. That there was no "desertion" of his wife by applicant as is abundantly shown in sworn testimony of Henry Hill, whom he sent to effect a reconciliation between them; she refused to live with him, she said she had quit him and would stay quit; she deserted him according to the holding of all the authorities on the subject. "The unwritten rule of law is that, that would not be desertion to which the will does not consent." Sec. 773, Bishop on Marriage and Divorce, Vol. 1; "It must be without the act or consent of the other party." Sec. 773, Vol. 1, Bishop; Sec. 778, Vol. 3, Bishop on Marriage and Divorce defines desertion to be "The voluntary separation of one of the married parties from the other, or a voluntary refusal to renew a suspended co-habitation, without justification either in the consent or the wrongful conduct of the other." Sec. 777, page 583, Vol. 1, Bishop on Marriage and Divorce says Third Element. "The separation must be against the will of the party deserted." "Such party must not consent." "And beyond this, when two separate by mutual consent, there cannot be, and is not, in either, any intent to desert the other." 32 Cal. 47; 27 Tex. 390; 9 R. I. 57. "Then a party makes no effort to prevent the desertion but acquiesces and appears satisfied with its continuance, it is not desertion." *Harold vs. Harold*, Vol. 9, page 100, *Lawyers Reports Annotated*;

M. Brief Dec
In re Application
of Martin L. Stokes
for enrollment as
an intermarried white
citizens of Cherokee
Nation

Brief of applicant

FILED
FEB 20 1901

Wm. P. Thompson,
Atty for Applicant.

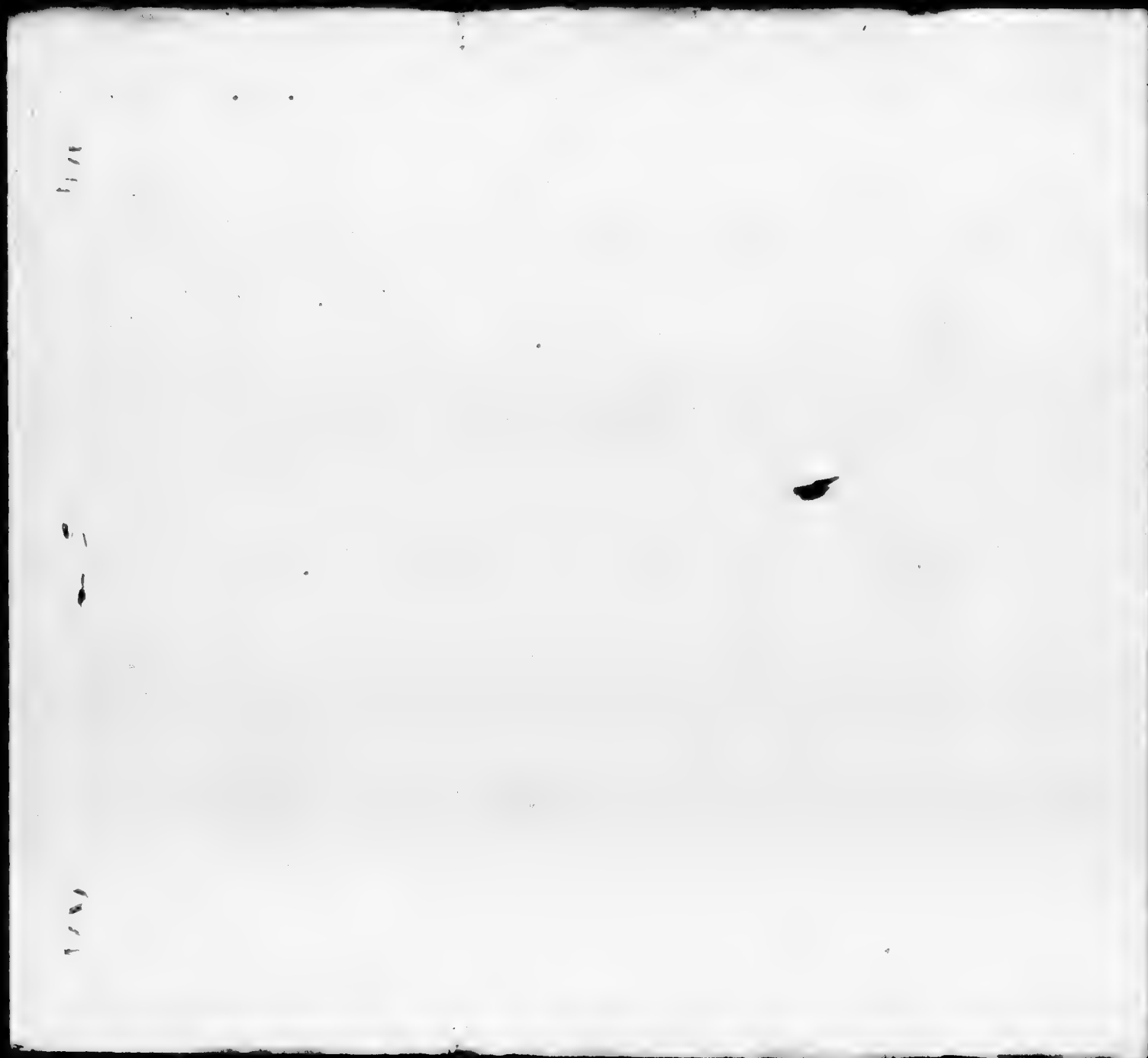
3.

"The act of a party leaving another for cause is not desertion within the meaning of the law authorizing divorce for desertion." Vol. 6, page 187, Lawyers' Reports Annotated. That there were no facts or allegations in amended complaint upon which a decree of divorce could be granted setting up a ground upon which a forfeiture could be declared and the charge ~~was~~ *of* "desertion" or "abandonment" was voluntarily abandoned ~~by~~ *by* applicant's wife on her own proposition in her effort to save her character; That applicant's wife started out in her original petition to have a forfeiture declared ~~but~~ but abandoned the same as is shown by the record in this case and no forfeiture was ever declared under Act no 669 of Cherokee Laws of 1892; That applicant's name is on the rolls of 1896 and no fraud has been shown that it was put on said roll by a fraudulent act and therefore the Court should in absence of any such proof under Section 5 of Act of Congress of June 20, 1908 must enroll him.

Hence, I submit that applicant, having shown that he is a legally intermarried white citizen of the Cherokee *on the Cherokee Rolls of 1896* Nation, that no decree of abandonment or desertion or proof of the same having been submitted, and the record of ~~and~~ *and* showing that such an action had been disavowed by the wife of applicant in her divorce proceedings, and the facts clearly showing claimant used every honorable means to get her to live with him, he is entitled to enrollment as an inter-married white citizen of the Cherokee Nation.

Wm P. Thompson
Attorney for Applicant.

POOR ORIGINAL -
BEST AVAILABLE COPY



Cherokee D. No.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martin L. Stokes for enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on July 10, 1900, Martin L. Stokes appeared before the Commission at Fairland, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Fairland, Indian Territory, on July 13, 1900, and at Muskogee, Indian Territory, on March 1, and October 21, 1901, and on February 15, October 7, October 14 and December 2, 1902.

The evidence shows that Martin L. Stokes was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, in 1889, to Mattie B. Cixkiller, a citizen by blood of the Cherokee Nation. It appears that the applicant lived with his said wife about six years following their marriage; that they then separated, applicant leaving his wife at her parents' home, and that on February 16, 1900, the said wife obtained a divorce from the applicant on the ground of cruel treatment. The evidence further shows that the applicant appeared to defend the suit for divorce and that by agreement with his said wife he withdrew his defense and cross allegations. A copy of the testimony taken in the divorce proceedings has been made a part of the record herein.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 667 of the Compiled Laws of the Cherokee Nation (1899), is as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

It further appears that since the divorce from his wife, Mattie B., the applicant has married one, Mattie L. Williams, a citizen by blood of the Cherokee Nation, and has lived with her since said marriage up to and including September 1, 1902, but it does not appear that such marriage was under a Cherokee marriage license or in accordance with the laws of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the said Martin L. Stokes abandoned his wife within the meaning of the provision of Cherokee laws above quoted, and that his application for enrollment as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COMMISSIONERS
HENRY L. DAWES
JAMES BIRNEY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON I. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

LETTERS OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **January 30,**

1902

Mr. Martin S. Stokes,

Afton, Indian Territory.

Sir:

You are hereby notified that the application of **yourself**

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

15th day of **February,** 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Copy to W.P. Thomson, Atty,
Vinita.

Register
Cherokee D-38

Yours truly,

Acting Chairman.



Cherokee D-28

Muskogee, Indian Territory, November 22, 1902.

W. P. Thompson,

Attorney for Martin L. Stokes,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Cherokee Nation has this day filed with the Commission a motion to reopen the case of Martin L. Stokes, whom you represent, for the purpose of introducing further testimony tending to disprove his right to enrollment as a citizen by intermarriage of said Nation.

You are further advised that this case has been set down for further hearing at the office of the Commission to the Five Civilized Tribes, Muskogee, Indian Territory, on the 3rd day of December, 1902.

Respectfully,

Acting Chairman.

Register.

Cherokee D-26

Muskogee, Indian Territory, November 22, 1902.

Martin L. Stokes,

Afton, Indian Territory.

Dear Sir:-

You are hereby advised that the Cherokee Nation has this day filed with the Commission a motion to reopen your application for enrollment as a citizen by intermarriage, for the purpose of introducing further testimony tending to disprove your right to enrollment.

You are further advised that this case has been set down for further hearing at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on the 3rd day of December, 1902.

Respectfully,

Acting Chairman.

Register.

Cherokee D-28

Muskogee, Indian Territory, November 22, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that your motion of the 19th inst., to reopen the case of Martin L. Stokes, for the purpose of introducing further testimony tending to disprove his right to enrollment as a citizen by intermarriage of the Cherokee Nation, has been granted by the Commission and the case set down for further hearing at the office of the Commission, Muskogee, Indian Territory, on the 3rd day of December, 1902.

The applicant and his attorney have this day been notified of the action of the Commission.

Respectfully,

Acting Chairman.

Cherokee D-28.

Vinita, Indian Territory, March 6th, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Martin S. Stokes, Cherokee D-28, I have the honor to report that this case was, on December 2nd, 1902, continued by agreement of the parties to December 11th, 1902. No further testimony has been taken and the parties have this day consented, as shown by the copy of supplemental proceedings herewith enclosed, that the case may be closed and submitted to the Commission.

Respectfully,

Clerk in Charge.

Enc. C-58.
JOC.

127

DEPARTMENT OF INTERIOR,
COMMISSIONER OF INDIAN AFFAIRS
MAR 6 1903

CHAMBERLAIN

Cherokee No. D.
28

Muskegee, Indian Territory, January 10, 1907.

Martin L. Stokes,
Afton, Indian Territory

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D _____

Commissioner.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

| | | | |
|----------------------|-----|---------------------|-----|
| James Watson | 5 | Scott Harless | 294 |
| Benjamin W. Williams | 8 | Emma Phillips | 307 |
| Lena Severs | 19 | John Whisenhunt | 350 |
| Sarah E. McCay | 21 | Tilman Chance | 373 |
| Joseph Herberger | 23 | Thomas A. Sheffield | 384 |
| Laura Henson | 43 | Vester C. Martin | 388 |
| William W. Barnes | 48 | William Grigsby | 417 |
| Georgia Wood | 54 | William J. Largent | 508 |
| Walter A. Edens | 62 | Joseph P. Willis | 584 |
| Adda B. Ward | 69 | James T. Miller | 598 |
| Samuel G. Victor | 73 | George A. Waters | 632 |
| Sarah M. Thomas | 109 | Jenette Messer | 666 |
| William B. Watson | 165 | Joseph A. Patton | 679 |
| William H. Ford | 173 | Benjamin G. Holland | 763 |
| Thomas N. Wilson | 185 | William Gordon | 798 |
| Ulsie Ann Smith | 206 | Maggie Patterson | 804 |
| Susan M. Perry | 208 | Martha M. Bruner | 832 |
| Gertrude Palone | 224 | Emma Morris | 842 |
| Hugh Willis | 229 | Susie Fivekiller | 857 |
| Mary A. Wilkie | 248 | John F. Carden | 861 |
| John W. Thurman | 253 | William H. Burrow | 967 |

| | | | |
|----------------------|------|---------------------|------|
| Mary Pettit | 977 | Millie Morton | 1554 |
| Bettie Mitchell | 985 | Andrew Walters | 1573 |
| John J. Harrison | 993 | John H. Holder | 1610 |
| Jasper N. Bateman | 1029 | Mary M. Burr | 1612 |
| Susan Ballard | 1065 | Thomas E. Bonham | 1644 |
| Lucy Eva Simmons | 1073 | Florence Headrick | 1663 |
| Ellen Thornton | 1089 | Daisy B. Brewer | 1709 |
| Sarah E. Hair | 1090 | Annie Cordrey | 1717 |
| Norman S. Drake | 1092 | Adam Eckert | 1722 |
| Susan Hogg | 1094 | Isaac Timmons | 1726 |
| David L. Scott | 1099 | Gent Gibson | 1727 |
| James C. Taylor | 1111 | Amos Anderson | 1731 |
| Roxie Shepard | 1128 | William J. Mounts | 1734 |
| Robert G. Elgin | 1136 | James D. Alexander | 1745 |
| William Hall | 1137 | Willis E. Miles | 1769 |
| Mary Ella Lattimore | 1141 | Lora Adair | 1781 |
| Maggie J. Keys | 1149 | John Yarborough | 1796 |
| Joseph M. Correll | 1177 | Lillie M. Dassler | 1802 |
| Jane Ratley | 1225 | Bryant C. Redington | 1804 |
| George E. Norton | 1234 | Malisa A. Maxwell | 1808 |
| Mahala D. Thompson | 1247 | Richard Dukes | 1811 |
| Charles M. Trammel | 1264 | Fannie Pettit | 1816 |
| Flora Carlile | 1265 | Genevia Pool | 1817 |
| William H. Norrid | 1275 | Mollie Crossland | 1822 |
| Olivia Benge | 1276 | Lizzie Benge | 1828 |
| Dollie Wilson | 1278 | John H. Welty | 1847 |
| Moses Bell | 1279 | Edward P. White | 1884 |
| Sarah Fleetwood | 1290 | Lauren P. Green | 1887 |
| Rosa E. Fargo | 1299 | Charles Rosser | 1898 |
| William M. Oliver | 1333 | Fay Adair | 1913 |
| Andrew J. Couch | 1340 | Henrietta Irving | 1920 |
| Lina Hyles | 1347 | Bird Trippard | 1925 |
| Mary M. Miller | 1350 | John C. Carlile | 1937 |
| Mary E. Taylor | 1368 | John W. Gilstrap | 1954 |
| Polly Ann Benge | 1369 | Sarah Young | 2018 |
| Margaret Moton | 1385 | Nancy A. Coleman | 2049 |
| Minnie McKinney | 1390 | James N. Whisenhunt | 2118 |
| Nettie Seabolt | 1418 | Hiram Stephens | 2157 |
| Lawrence G. Faulkner | 1433 | Asa L. Guinn | 2159 |
| Sarah A. Holt | 1449 | Rebecca J. Flying | 2172 |
| Jennette Polcat | 1492 | Thomas J. Measles | 2192 |
| Ellen Seabolt | 1508 | Julia Coody | 2215 |
| Charles W. Nettles | 1509 | Sarah Crutchfield | 2224 |
| Lena Sittingdown | 1511 | Henry E. Lee | 2251 |
| Tim Creeden | 1513 | Sarah Gritts | 2256 |
| Odie Pideock | 1517 | John A. Madden | 2261 |
| Silas A. Saterfield | 1529 | Henry C. Pennel | 2271 |
| Laura J. Jeremiah | 1530 | Matilda S. Cleland | 2302 |
| Etta Hicks | 1540 | Dona A. Frazier | 2312 |
| Mary A. B. McKinney | 1550 | Laura B. Cordrey | 2320 |

| | | | |
|-----------------------|------|------------------------|------|
| Lafayett D. Kindred | 2328 | William A. J. Trotter | 3257 |
| Pearl V. Sisson | 2339 | Albert P. Goforth | 3298 |
| Nancy J. Sevier | 2380 | Anna B. Martin | 3307 |
| Mollie Hair | 2385 | William Brown | 3344 |
| Dora Sayers | 2474 | Jennie B. Bluejacket | 3345 |
| William T. Jones | 2501 | William Little | 3377 |
| Sarah L. Martin | 2502 | Julia M. A. Russell | 3386 |
| William J. Shoemaker | 2506 | Andrew J. Smith | 3393 |
| Maud Baldrige | 2511 | William N. Blakemore | 3396 |
| James L. Townsend | 2513 | Lizzie Denton | 3417 |
| George L. Morgan | 2568 | Belle Hudson | 3435 |
| Andrew A. Brown | 2575 | Thomas S. Heady | 3437 |
| Louis K. Fair | 2623 | William M. Roseborough | 3444 |
| James L. Mitchell | 2644 | Madison G. Hawkins | 3467 |
| Martha E. McNair | 2659 | Japhat F. Ellis | 3491 |
| Millard F. Eggleston | 2668 | Emma McAffrey | 3543 |
| Elisha M. Gray | 2686 | William T. Huitt | 3570 |
| Jessie M. Ballard | 2694 | Myra F. Chouteau | 3580 |
| Annie Mayes | 2798 | Phillip Donohoo | 3581 |
| Belle Sixkiller | 2809 | Fred L. Kelley | 3593 |
| James P. Riley | 2825 | Annie Herod | 3594 |
| William Broaddus | 2854 | Maggie V. Fields | 3615 |
| William A. Martin | 2865 | Lou Payne | 3616 |
| Joseph Q. Buchanan | 2888 | Frederick W. Strout | 3692 |
| Marcellus L. Baker | 2905 | Andrew L. McCamish | 3713 |
| Etta M. Hill | 2915 | Sarah Dirthrower | 3731 |
| John R. Smith | 2922 | William P. Coble | 3758 |
| Ira W. Wallen | 2926 | Robert L. Madison | 3761 |
| John B. Laurence | 2959 | Mariah McDowell | 3795 |
| Lula O. Hitchcock | 2961 | Elizabeth R. Thornton | 3811 |
| Bell L. Muskrat | 2975 | Donithan A. Wilson | 3841 |
| Eliza O'Field | 2977 | Charles F. Covey | 3868 |
| Margaret Suagee | 2993 | Tamsey M. Williams | 3886 |
| Winfield S. Nance | 3007 | Mary J. Wolfe | 3889 |
| Benjamin F. Kelley | 3010 | Lathan Lombard | 3891 |
| Mollie Daugherty | 3039 | Micajah P. Haynes | 3897 |
| Charles H. Leatherman | 3043 | Annie L. Wingfield | 3903 |
| Alice A. Edwards | 3100 | Mary Fields | 3907 |
| Dorinda Adair | 3106 | William W. Dudley | 3944 |
| William R. Gray | 3118 | Minnie M. McLaughlin | 3950 |
| Dora B. Caulk | 3143 | Henry B. Lindsey | 3978 |
| Jesse M. Gallman | 3161 | Wilbert H. Parkison | 3999 |
| Martha E. Garrett | 3162 | Seth R. Hall | 4011 |
| Artie E. Large | 3164 | Wiley Hanna | 4016 |
| Andrew A. Kelley | 3191 | Martha M. Woods | 4093 |
| Anna B. Ryne | 3193 | Lizzie Gray | 4117 |
| Eliza Henderson | 3198 | Nancy C. Carey | 4131 |
| David E. Jenkins | 3212 | Annie E. Kenney | 4165 |
| Lizzie Falling | 3233 | William H. Ward | 4169 |
| Robert L. Payne | 3252 | Nannie Brewer | 4189 |

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|-----------------------|------|------------------------|------|
| Nancy J. Kinney | 4225 | Roxie J. Ketchum | 4623 |
| Sydney E. Bell | 4232 | Lizzie Love | 4626 |
| Isaac H. Jordan | 4235 | Robert K. Wann | 4632 |
| Charles Parks | 4244 | Frederick Metzner | 4633 |
| Dora Frenchman | 4262 | John C. Bratcher | 4634 |
| James R. Fugate | 4275 | Pigrow L. Jones | 4641 |
| Maud Adams | 4277 | Ada Bertholf | 4642 |
| Elizabeth Black | 4281 | Alice Robbins | 4644 |
| Anna Thornton | 4291 | Jane Dougherty | 4649 |
| Robert T. Morrison | 4294 | Samuel Francis | 4650 |
| Perley Israel | 4295 | Clemon C. Peek | 4652 |
| William A. Long | 4304 | Mont C. Frazier | 4653 |
| Mollie Swannock | 4319 | Frank J. Mayberry | 4656 |
| Frances Guess | 4324 | Charles W. Moore | 4660 |
| Allen H. Gibson | 4327 | Jefferson D. Edmondson | 4661 |
| John McFall Jr. | 4343 | Alonzo H. Boone | 4662 |
| Albert W. Fitzsimmons | 4360 | Thomas C. Mock | 4668 |
| George S. Ford | 4386 | Sallie Allison | 4669 |
| Quinn Carr | 4387 | Elizabeth E. Burgess | 4671 |
| William A. Powell | 4390 | LaFayette Breeden | 4673 |
| Austin Hasley | 4400 | James M. Boling | 4676 |
| Anna Bible | 4414 | Francis A. Neilson | 4681 |
| Elizabeth Riley | 4428 | John F. Smith | 4689 |
| John P. Sudderth | 4449 | Rufus S. Steward | 4691 |
| Anderson Keen | 4450 | John I. Haddock | 4694 |
| Ida M. Adams | 4451 | Maggie O. Walkley | 4695 |
| Martha J. Randall | 4457 | George W. Talbert | 4698 |
| Mollie Conner | 4477 | Mary Miller | 4700 |
| Jane McGhee | 4491 | Henry C. White | 4707 |
| Jennie Riley | 4525 | Mattie E. Hill | 4760 |
| Hannah Randall | 4528 | Alice A. Bible | 4772 |
| Charles W. Childers | 4542 | Katie Coker | 4785 |
| Nannie B. Riley | 4543 | John Creek | 4801 |
| John W. McDaniel | 4544 | Ruby R. Bean | 4804 |
| Minnie Armstrong | 4548 | William J. Dodson | 4836 |
| Ada Chouteau | 4549 | Blackburn Reed | 4882 |
| Mary Thompson | 4571 | Viola Lowther | 4891 |
| Ota Armstrong | 4593 | William B. Ritchson | 4910 |
| Mary Spencer | 4594 | Henry D. McDonald | 4950 |
| Clarkson F. Woody | 4603 | Della McDaniel | 4956 |
| James M. McConnell | 4604 | Dorothy Rattlinggourd | 4991 |
| Annie E. Coker | 4605 | Ida McCay | 5093 |
| Jennie Long | 4606 | Henry M. Lyon | 5100 |
| Julia Gilstrap | 4607 | Alice J. Wofford | 5101 |
| Laura E. Smith | 4608 | Nancy Morris | 5137 |
| Annie Nicholas | 4609 | Ella Sullivan | 5140 |
| Minnie R. Taylor | 4611 | Winfield Williams | 5144 |
| Mary E. Rogers | 4614 | Bessie M. Smith | 5145 |
| Emma Downing | 4615 | May Humphrey | 5207 |
| William Steere | 4619 | Donnie Burgess | 5235 |

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| Nora B. Burgess | 5236 | William A. Polson | 5613 |
| John E. Etter | 5239 | Paulina P. Pitcher | 5614 |
| Harriette Rogers | 5240 | Charley Headrick | 5615 |
| Amanda Foreman | 5244 | William N. Stinson | 5616 |
| William H. Wells | 5261 | Lenora A. Henry | 5621 |
| John T. Gaylor | 5266 | Effie M. Adams | 5622 |
| Annie Sweeten | 5269 | John H. Shimp | 5624 |
| Rosalee Hendricks | 5278 | Thomas B. Dickson | 5625 |
| Emma Chambers | 5328 | Minnie Henry | 5628 |
| James H. Thomas | 5329 | Thomas J. Simpson | 5629 |
| Melville B. Baird | 5332 | Cap L. Lane | 5630 |
| James R. Goodall | 5356 | Reuben E. DeLozier | 5631 |
| Charles Horton | 5390 | John Heape | 5640 |
| James W. Goddard | 5417 | Perry G. Brock | 5645 |
| Dora Cox | 5425 | Mary J. Newcomb | 5650 |
| Nannie G. Alberty | 5438 | George W. Seigel | 5660 |
| Sallie Ward | 5455 | Martha A. Parks | 5666 |
| William H. Sutherlin | 5484 | Zelda C. Mills | 5674 |
| Lizzie Hall | 5487 | Lizzie Rogers | 5675 |
| Cyrus B. Essex | 5489 | Emma Pigeon | 5676 |
| Eda Taylor | 5493 | Nellie Bluejacket | 5677 |
| Laura Taylor | 5494 | Lucy Bacon | 5679 |
| Elector D. Miller | 5496 | Thomas B. Wood | 5681 |
| Emberson M. Arnold | 5498 | Asa W. Simerson | 5683 |
| Stella Henry | 5499 | William J. Kuhn | 5686 |
| William E. Oneal | 5506 | Elsie Couch | 5688 |
| John M. Sharp | 5509 | William H. Robinson | 5692 |
| John L. Davis | 5514 | Rachel Washington | 5693 |
| Sarah E. Downing | 5518 | Isaiah B. Blackwood | 5700 |
| Samantha C. Glass | 5524 | John R. Johnson | 5701 |
| Harry Jones | 5525 | Dennis W. Smith | 5702 |
| Aggie Paris | 5532 | William H. Chesnut | 5705 |
| James W. Hallford | 5535 | William H. Durham | 5707 |
| Phoebe Coker | 5537 | Albert B. Buckmaster | 5710 |
| Anthony K. Douglas | 5538 | Maud Crutchfield | 5730 |
| Joseph H. Johnson | 5541 | Joseph S. Layne | 5731 |
| Harvey O. Riggs | 5547 | Lena Bell | 5737 |
| Alice Glass | 5553 | Juan N. Corn | 5748 |
| Addison Reeves | 5566 | Robert N. Crafton | 5750 |
| Alice Coats | 5572 | Benjamin F. Coffee | 5756 |
| Julia Kidd | 5575 | Frank McSpadden | 5760 |
| William R. Greer | 5576 | Charles D. Pendleton | 5775 |
| Rosa M. Sixkiller | 5581 | Harden H. Green | 5776 |
| Nancy Inlow | 5587 | Emma J. Ward | 5778 |
| Daisey H. Owen | 5599 | Robert C. Fuller | 5781 |
| Annie R. C. Owen | 5600 | Henry F. Extine | 5796 |
| Jesse McKnight | 5602 | Ida Wyle | 5802 |
| Cicero J. Strange | 5610 | Richard L. Fite | 5815 |
| Henry Westenhaver | 5611 | Edward Lutz | 5816 |
| Emma H. Roach | 5612 | John F. Woodworth | 5829 |

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|-----------------------|------|-----------------------|------|
| Horace H. Huddleston | 5832 | George C. Duffield | 6031 |
| William R. Sartain | 5837 | Amelia Reese | 6033 |
| Joseph A. Lawrence | 5843 | Alexander West | 6036 |
| William H. Hinton | 5846 | John Tootle | 6037 |
| Joseph Lehr | 5851 | Florence G. Langley | 6038 |
| Edwin M. Young | 5852 | John T. Ham | 6042 |
| Mary C. Barnes | 5853 | Mary L. Jordan | 6048 |
| Matilda Thompson | 5861 | John W. Bradshaw | 6076 |
| William W. Young | 5872 | James L. Dean | 6079 |
| Earley F. Ellis | 5874 | Amanda J. Thompson | 6082 |
| Rosa B. Alberty | 5877 | Malissa Hubbard | 6089 |
| Sarah Cannon | 5879 | Jane Benge | 6111 |
| Mamie Beck | 5887 | John D. Ryals | 6113 |
| Jack H. Merchant | 5888 | John C. DeLozier | 6117 |
| John D. Merchant | 5889 | Jessie Willis | 6118 |
| Sarah E. Ghormley | 5894 | Mary A. Clark | 6124 |
| Jerry Young | 5906 | Mary J. Tipton | 6126 |
| James H. Brickey | 5916 | Leander Newton | 6136 |
| Mary Hicks | 5919 | William A. Qualls | 6138 |
| George W. Weems | 5922 | Henderson B. Thomas | 6144 |
| Albert Crain | 5923 | Hugh T. Watkins | 6163 |
| James M. Jones | 5932 | Nancy Keys | 6172 |
| Alfred W. Shelly | 5935 | Berry Hutchins | 6186 |
| John M. Stratton | 5936 | Eli Parker | 6189 |
| Waddie Hudson | 5937 | Sarah E. Shaw | 6194 |
| Robert C. Johnson | 5939 | Julia Keys | 6211 |
| Mary T. Thompson | 5941 | Boon J. Grey | 6214 |
| Edith A. Parris | 5943 | John Grubb | 6216 |
| Addie Hubbard | 5949 | William M. Costephens | 6230 |
| John A. Lowry | 5962 | Jane Bean | 6232 |
| John R. W. Brantley | 5963 | Lillie I. Taylor | 6236 |
| James T. Carroll | 5964 | Abbie B. Adair | 6239 |
| Christopher F. Jordan | 5965 | Mack C. Watkins | 6246 |
| Minerva E. Stover | 5966 | Robert W. Murray | 6261 |
| John W. Twilley | 5967 | John G. Petty | 6269 |
| Joseph W. Mounce | 5970 | Lucinda Poorboy | 6279 |
| Cornelius P. Potter | 5971 | Sarah Mayes | 6286 |
| Amanda C. Thompson | 5972 | Henry W. Pyeatt | 6300 |
| John M. Rusk | 5976 | Isaac A. Wilson | 6308 |
| Harrison L. Hughes | 5978 | John T. Hall | 6310 |
| Silas B. Dildine | 5983 | Edward L. King | 6315 |
| Lewis M. Payne | 5985 | Katie Still | 6325 |
| Nancy Beaumer | 5988 | Emmer Carlile | 6338 |
| Sarah F. Selvidge | 6002 | Bird Webster | 6347 |
| Posy F. Buckner | 6005 | Fannie Morris | 6353 |
| John A. Moreland | 6010 | Leonard Lee | 6357 |
| Alice Welch | 6015 | James R. Miller | 6362 |
| Mary C. Thompson | 6022 | James Brackett | 6370 |
| Ida Beck | 6029 | Nora Allen | 6371 |
| William R. Tittle | 6030 | John T. Washington | 6373 |

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|------------------------|------|---------------------|------|
| James J. Snider | 6375 | James L. Lee | 6717 |
| William H. Winget | 6376 | Rosa Phillips | 6723 |
| Ida R. Wilkerson | 6383 | Kate Brown | 6735 |
| George A. McBride | 6385 | Laura B. Barnett | 6743 |
| Matilda Cookson | 6387 | Elizabeth Sanders | 6745 |
| William A. Fisk | 6392 | William T. Neff | 6747 |
| William O. Ames | 6394 | William R. Scott | 6751 |
| Thomas Wilkerson | 6396 | Laura Fish | 6770 |
| Alice C. Springston | 6407 | Maggie Ketcher | 6779 |
| Fanny N. Witt | 6413 | Dora A. McDonald | 6783 |
| Lillie M. Adair | 6424 | Rosie B. Willis | 6785 |
| Mark F. Matheson | 6428 | Daniel Hubbard | 6787 |
| Ida L. Wilson | 6431 | Mary R. Tadpole | 6801 |
| George E. Marrs | 6441 | Magnus A. McSpadden | 6811 |
| Ulysses S. Reeves | 6443 | Sarah F. Pathkiller | 6824 |
| Daniel A. Smith | 6447 | Clara Twist | 6845 |
| Henry J. Dawson | 6450 | Mattie M. Welch | 6846 |
| Sarah Adair | 6452 | Cora Griffin | 6850 |
| Ida F. Wilson | 6455 | John S. Hyatt | 6853 |
| Mary E. Taylor | 6459 | Jefferson K. Tyner | 6855 |
| Catherine Henson | 6468 | Flora R. Miller | 6859 |
| Charles C. Fitzsimmons | 6471 | Lizzie Craig | 6872 |
| Mary E. Campbell | 6476 | Jacob C. Johnson | 6876 |
| Columbus N. Long | 6478 | George W. Ware | 6897 |
| Mary Wilkerson | 6480 | James B. Deatherage | 6901 |
| Myrtle Ward | 6484 | Lucinda F. Hartness | 6943 |
| Belle Manus | 6499 | Frances E. Tehee | 6961 |
| Martha E. McLain | 6508 | James M. Burt | 6965 |
| Mary A. Brown | 6517 | Rady Tipton | 6975 |
| Marion M. Ballew | 6530 | Laura Hendricks | 6976 |
| Mellie Mayfield | 6540 | Laura V. Smith | 6979 |
| Sarah Blevins | 6541 | Lorenzo C. Darnell | 6988 |
| Frank Powell | 6542 | Robert M. Mitchell | 7004 |
| Georgia Jackson | 6546 | William Henry Reeve | 7005 |
| Leonard S. Simpson | 6549 | James Pyle | 7009 |
| Almira Ussrey | 6560 | Willie Hilderbrand | 7015 |
| James McInerney | 6561 | Alice M. Roberson | 7031 |
| Fannie Carlile | 6578 | Charles Morris | 7043 |
| Sadie A. Mayfield | 6580 | Minerva J. Trent | 7051 |
| Silas A. Bryan | 6581 | John H. Keith | 7078 |
| William S. Martin | 6585 | Katie E. Ratley | 7080 |
| Emma J. Thompson | 6589 | Etta Patrick | 7081 |
| Lydia McDaniel | 6593 | Nannie Martin | 7090 |
| David W. Lamb | 6595 | Rosa B. Harris | 7094 |
| Gus R. Hart | 6603 | Samuel Brown | 7100 |
| Poca Phillips | 6632 | William H. Turner | 7101 |
| Lois E. Daniel | 6678 | Florence Mayes | 7104 |
| William W. Turner | 6680 | Maggie McCoy | 7112 |
| Lillie B. Blackstone | 6714 | Mary Belle Cordry | 7113 |
| Mary Lillard | 6715 | Benjamin Haner | 7119 |

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| James Maher | 7128 | Robert B. Collins | 7556 |
| Terry A. Parkinson | 7146 | Nancy I. Brown | 7579 |
| Cora L. Hanks | 7147 | Mary B. Walkingstick | 7642 |
| Otto J. Zufall | 7149 | Robert T. Kelleam | 7653 |
| Rufus M. Norman | 7155 | Mollie Morton | 7797 |
| Mary F. Foreman | 7158 | Mattie Girty | 8006 |
| Alma West | 7159 | Mack Alfred | 8015 |
| James M. Connally | 7161 | Ida Harmon | 8016 |
| Francis M. Crowell | 7163 | Ida McCoy | 8417 |
| Fannie E. McClure | 7171 | Rosie Foreman | 8903 |
| Benjamin B. Graham | 7176 | Annie Jackson | 9034 |
| Ada Phariss | 7180 | Margaret T. Langley | 9092 |
| William L. Whisenhunt | 7184 | Ida M. Davis | 9266 |
| Frances B. Perry | 7191 | Nora Crapo | 9289 |
| Philip Shultz | 7210 | Margaret Harmon | 9378 |
| Hester A. Miller | 7212 | Mary B. Langley | 9438 |
| Minnie B. Edmonds | 7213 | Ella Gravitt | 9439 |
| Eliza Jordan | 7217 | William M. Wilson | 9444 |
| William T. Ross | 7218 | David O. Scott | 9446 |
| Thomas M. Price | 7225 | Harriett Forbes | 9447 |
| James G. Wilson | 7231 | John Carver | 9449 |
| Frank Rhomar | 7263 | Thomas J. Davis | 9451 |
| John W. Thompson | 7267 | Clara M. Boudinot | 9453 |
| Melissa Booth | 7271 | Mary E. Keys | 9454 |
| Solon L. Jackson | 7273 | John G. Ainsworth | 9456 |
| Henry W. Coughran | 7282 | Mary J. Christy | 9460 |
| Sarah Ross | 7291 | Malinda Seabolt | 9462 |
| Mary S. Smith | 7322 | Mary Cumpston | 9464 |
| John A. Martin | 7323 | Mollie P. Mulkey | 9465 |
| Myrtle Robinson | 7330 | Andrew Brimmer | 9467 |
| Allen L. Buckner | 7331 | James F. Flippin | 9471 |
| James L. Goad | 7350 | William Bird | 9473 |
| Elijah Johnson | 7351 | Mollie C. Forbes | 9476 |
| Mary E. Kimbrough | 7360 | William H. Thomason | 9478 |
| Jennie Burr | 7367 | Mollie Devine | 9481 |
| Kiasay Sapsucker | 7378 | Mary P. Guthrie | 9482 |
| Sarah J. Johnson | 7394 | Detlev N. Leerskov | 9484 |
| William I. Branan | 7409 | Nannie Cowart | 9485 |
| Wyatte T. Brady | 7412 | Leona Catcher | 9489 |
| Lena O. Holderman | 7413 | Alexander B. Clapp | 9502 |
| Mary F. Hummingbird | 7420 | Tennie Sanders | 9503 |
| Bertha A. Allen | 7425 | Virgil A. Wiltshire | 9505 |
| Robert J. Tyner | 7426 | Joshua K. Carr | 9510 |
| Fannie B. Martin | 7434 | Herbert Kneeland | 9518 |
| Myrtle Wolfe | 7435 | Hugh E. Hope | 9519 |
| Mary Blevins | 7479 | Thomas J. Ritter | 9522 |
| Sarah Ketcher | 7488 | Martha Baldrige | 9529 |
| Charles D. England | 7512 | James R. Poindexter | 9535 |
| May Cochran | 7544 | Maud Foreman | 9539 |
| Rebecca Oglesby | 7549 | Belle Bryant | 9542 |

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| Joseph P. Smith | 9550 | William G. Brown | 9879 |
| George E. Watkins | 9552 | John B. Delay | 9881 |
| Florence Henry | 9553 | Pairlee Thompson | 9882 |
| Jesse H. Johnson | 9560 | Guenther W. Werther | 9883 |
| Lydia B. Barger | 9561 | Margaret Crittenden | 9884 |
| Mary Jane Thomas | 9562 | Moses L. Morris | 9889 |
| James F. Petty | 9563 | Sarah L. Rogers | 9891 |
| Laura McCrary | 9566 | Stephen Duncan | 9892 |
| Joel D. Smith | 9568 | Gideon D. Sleeper | 9895 |
| William T. Cave | 9572 | William A. Maddin | 9896 |
| William Bugher | 9577 | John H. Horton | 9904 |
| James M. Smith | 9582 | Howe L. Rogers | 9905 |
| John E. Nazworthy | 9583 | William Rush | 9912 |
| Beverly L. Lafon | 9587 | George W. Edens | 9916 |
| Robert L. Gentry | 9590 | William H. Hall | 9920 |
| John C. Barker | 9591 | Edith B. Pheasant | 9935 |
| John P. Greenwood | 9593 | Carrie A. Collins | 9936 |
| Henry Hayes | 9596 | Lucinda Spriggs | 9937 |
| Ella Cornwell | 9598 | Ella F. Hail | 9939 |
| Asa A. Hedrick | 9599 | John W. Harris | 9949 |
| William C. M. Robinson | 9600 | Hannah Raper | 9942 |
| Woodrow Hadley | 9612 | John J. Coughran | 9945 |
| William T. Gregory | 9613 | Youra F. Waybourn | 9946 |
| Charles M. Keys | 9616 | Louisa J. Taylor | 9947 |
| Bate O. Reed | 9618 | William M. Evans | 9948 |
| Joseph E. Feland | 9623 | William F. Pierce | 9940 |
| Florence C. Smith | 9625 | May F. Chambers | 9950 |
| Charles M. Cox | 9630 | Albert Stevenson | 9954 |
| Otis S. Skidmore | 9634 | Henry Kiefer | 9955 |
| William H. Hundley | 9635 | Sarah Bean | 9956 |
| Thomas A. McDonald | 9636 | Zeno M. Cox | 9964 |
| Annie Sanders | 9638 | Jerusha E. Blair | 9965 |
| Mack H. Martin | 9640 | Elias Kyle | 9991 |
| Mary Ward | 9653 | Ida Cushman | 9992 |
| George Givens | 9658 | James W. Fleming | 9994 |
| Pheney Poorboy | 9660 | Samuel Holmes | 9995 |
| Charley Kiper | 9671 | Walter H. Talley | 9997 |
| Andrew J. Snider | 9672 | Hannah J. Miller | 9998 |
| William T. Barton | 9684 | Clara V. Ward | 10002 |
| Daniel Crail | 9770 | Stephen W. Pittsenberger | 10005 |
| Mary M. Motte | 9771 | Mary E. Palmour | 10008 |
| Lecia E. Herrin | 9854 | William T. Partin | 10011 |
| Gailen E. Carrick | 9855 | Nellie Fields | 10013 |
| Rosa B. Barger | 9857 | Sarah A. Dawes | 10015 |
| Rachel Foreman | 9858 | Willard E. Hutchins | 10016 |
| Serepta C. Willis | 9861 | Jesse Talbert | 10020 |
| Virgie Seabolt | 9864 | Julia E. Setser | 10021 |
| Annie Cannon | 9867 | Amanda E. Howell | 10022 |
| Isabella McCoy | 9874 | Mamie J. Rogers | 10023 |
| Robert E. Dry | 9875 | Nannie Rogers | 10024 |

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| James B. Bradshaw | 10025 | Millie A. Carnes | 10113 |
| Ida L. White | 10026 | Lucy E. Robards | 10114 |
| Addie B. Miller | 10027 | Edward H. Fitzgerald | 10115 |
| William R. Condry | 10028 | John T. Pickard | 10117 |
| James D. Canary | 10029 | Charles Rains | 10118 |
| John Kelley | 10031 | Nancy Mayfield | 10123 |
| Kate Craig | 10033 | Anna B. Tittle | 10124 |
| John A. Butts | 10034 | Richard A. Clark | 10126 |
| John J. Dameron | 10035 | Emma B. Martin | 10128 |
| William Warner | 10036 | Walter L. Bates | 10129 |
| George A. Allen | 10037 | Nellie Brewer | 10130 |
| Watie Shetley | 10038 | William Heffernan | 10131 |
| John E. Carter | 10039 | Levi Ackley | 10132 |
| John M. Boyd | 10043 | Bessie Davis | 10133 |
| William Fister | 10047 | Eva Brackett | 10135 |
| Darius B. Troth | 10049 | Caleba Carnes | 10136 |
| Harry A. Kelley | 10050 | Jackie M. Waybourn | 10138 |
| Mary E. Purcell | 10051 | Minnie Shutt | 10139 |
| Myron L. Bronson | 10052 | Charles L. McClure | 10140 |
| George W. Taylor | 10053 | William W. Russell | 10141 |
| Josie Lowther | 10054 | Delia Jenkins | 10142 |
| Fannie D. Perry | 10055 | John A. Hood | 10143 |
| Minnie B. Williams | 10056 | Oba Maxfield | 10145 |
| Solomon Copeland | 10058 | Mary L. Cloud | 10146 |
| Etha B. Wood | 10059 | Callie Inlow | 10147 |
| James Pace | 10060 | Everett M. Lawrence | 10148 |
| Wiley B. McElhaney | 10062 | Dora E. Hays | 10150 |
| Nancy Patrick | 10063 | Julia M. Schrimsher | 10151 |
| James R. Stout | 10072 | Parmelia E. Lyman | 10153 |
| George Parker | 10073 | Charles F. Trickey | 10161 |
| Laura Morton | 10074 | Louisa J. Palmour | 10169 |
| John D. Kelly | 10075 | George L. Walker | 10170 |
| Nettie Swift | 10078 | Annie Taylor | 10171 |
| Maggie Baldridge | 10079 | Josie Winters Hall | 10174 |
| David R. Stubblefield | 10080 | Alice Nichols | 10181 |
| Thomas J. C. Thompson | 10081 | Lizzie Dry | 10182 |
| Cora P. Harlan | 10082 | Emma Murray | 10183 |
| William L. Singleton | 10083 | Annie Winton | 10187 |
| Lester Evans | 10084 | Marian Evans | 10188 |
| Ellen Mayfield | 10085 | Elizabeth J. McClain | 10192 |
| Ella Bray | 10087 | Eliza J. Price | 10199 |
| David J. Matthews | 10094 | Rissie Still | 10200 |
| Thomas Brown | 10100 | Hannah E. Langley | 10201 |
| Houston J. Payne | 10103 | Alma Keith | 10203 |
| Malinda E. Scudder | 10104 | Flora A. Terrill | 10204 |
| Henry Odell | 10105 | Talesphora A. Pardee | 10205 |
| Fred Macy | 10107 | Samuel Shadix | 10206 |
| Mary Russell | 10108 | Mary E. Childers | 10207 |
| Thomas B. Brown | 10109 | Robert M. Hamilton | 10208 |
| Samuel L. Milligan | 10111 | Julia Billingslea | 10209 |

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|----------------------|-------|-----------------------|-------|
| Nannie Martin | 10210 | Joseph Reed | D 468 |
| Sarah A. Fields | 10214 | Adolphus J. Hallum | D 483 |
| Susie Henderson | 10216 | Alexander Walker | D 490 |
| Charles H. Rienhardt | 10218 | Albert J. High | D 491 |
| William H. Watkins | 10221 | America Matoy | D 501 |
| Frank M. Rucker | 10222 | Moses L. Grazier | D 503 |
| Henry C. Reed | 10224 | Myrtle Hall | D 509 |
| Laura B. Timberlake | 10226 | Wallace Thursday | D 544 |
| George A. Brown | 10228 | Thomas W. Baker | D 546 |
| Drucilla Lowrey | 10232 | Mattie E. Keys | D 550 |
| Almira Mouse | D 9 | William S. Edwards | D 560 |
| Lenora Prather | D 16 | Susan L. Reed | D 572 |
| Andrew M. Cooter | D 17 | William H. Lyman | D 574 |
| Martin L. Stokes | D 28 | Gracia Davis | D 577 |
| Peter Walters | D 44 | Edward C. Bolen | D 582 |
| Columbus M. Reeves | D 58 | Dora Guthrie | D 585 |
| Sarah Barnes | D 103 | Samuel H. Hawkins | D 594 |
| George T. Kiddy | D 108 | Lula M. Purcell | D 600 |
| Henry C. Agent | D 139 | Ben Estes | D 603 |
| Joseph Phipps | D 147 | Thomas M. Reynolds | D 621 |
| Henry Hilton | D 149 | Arthur Dodge | D 622 |
| David A. McGlamery | D 161 | Carrie L. McNair | D 624 |
| Maggie Doublehead | D 169 | Constantine N. Walker | D 641 |
| Annie Lovett | D 180 | Joseph Davis | D 648 |
| Nora Hood | D 184 | Leander A. Keys | D 650 |
| John A. Johnson | D 232 | James J. Barndollar | D 655 |
| Nathaniel G. Simpson | D 242 | Nathan J. Brink | D 682 |
| Oncico W. Head | D 244 | William S. Miles | D 688 |
| Etta Taylor | D 245 | Emma Waybourn | D 698 |
| Susan V. Sullivan | D 262 | Dora E. Rogers | D 708 |
| Levi H. Tackett | D 263 | James W. Turley | D 709 |
| William H. Connelley | D 264 | Lizzie Ward | D 711 |
| Julia A. Sullivan | D 284 | Robert J. Holly | D 713 |
| May Fields | D 297 | Belle I. Quinton | D 728 |
| Katie Hummingbird | D 308 | Francis M. Boothe | D 734 |
| William F. Sager | D 320 | Amos W. Lord | D 746 |
| Lovick P. Garrison | D 334 | Agnes N. Childers | D 749 |
| Henry Grubb | D 338 | John E. Renfrow | D 752 |
| Lucy F. Lacey | D 340 | William Coon | D 759 |
| Callie Blevins | D 341 | Louis Bruere | D 779 |
| James S. Alfrey | D 355 | Georgia A. Waybourn | D 786 |
| Shadrack C. Wallen | D 368 | Eliza Fields | D 787 |
| Ada Hall | D 376 | William H. Brown | D 788 |
| Jane M. Hicks | D 396 | William A. Cox | D 793 |
| Fannie L. Dupree | D 403 | Charles A. Robison | D 799 |
| Willis Battles, Jr. | D 404 | Artha Williams | D 800 |
| Joshua W. Ellis | D 413 | Adam Gearhart | D 806 |
| Nina B. Owen | D 450 | Cicero F. Rogers | D 855 |
| John M. Ridenour | D 458 | Annie Garrett | D 856 |
| Emery S. Thompson | D 464 | George S. Yarborough | D 875 |

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| Rhoda A. Sanders | D 878 | Ella Vann | D 1320 |
| Manuel Spencer | D 884 | Linnie Wofford | D 1330 |
| Benjamin H. Hulbert | D 891 | Minnie Downing | D 1332 |
| Mary Brassfield | D 935 | Katie Rider | D 1334 |
| James L. Tindle | D 944 | Samuel G. Mills | D 1337 |
| Silas G. Reneckar | D 966 | Alfred H. Woods | D 1342 |
| Eliza Wofford | D 967 | Cynthia Whitekiller | D 1352 |
| Jasper L. Newton | D 971 | Susie McSpadden | D 1361 |
| John N. Guinn | D 974 | Martha J. Houston | D 1363 |
| Hannah Parson | D 989 | Samuel M. Collier | D 1367 |
| Nellie C. Helterbrand | D 1003 | Katy Payne | D 1369 |
| Thomas J. Welch, Jr. | D 1006 | Joseph H. Warren | D 1375 |
| Lizzie Christian | D 1010 | Mattie Miller | D 1433 |
| George Hazlewood | D 1013 | S. F. Moore | D 1434 |
| James M. Jones | D 1022 | Addie Schrimsher | D 1448 |
| Reuben A. Evans | D 1032 | Fannie Vann | D 1458 |
| Carrie H. Cobb | D 1049 | Mareglla Blakeney | D 1474 |
| John M. Burns | D 1069 | G. W. Williamson | D 1555 |
| Sarah E. Henson | D 1083 | C. F. Walker | D 1558 |
| Laura D. Henson | D 1086 | Louisa Blevins | D 1567 |
| Hettie E. Downing | D 1090 | Frank Cowles | D 1581 |
| Benjamin F. Crain | D 1099 | Mary Francis Madding | D 1637 |
| Benjamin Strickler | D 1129 | Thomas Rodman | D 1661 |
| Nancy Spaniard | D 1130 | Katie Still | D 1866 |
| Annie Wilson | D 1131 | Ira Creach | D 1913 |
| Ora H. Maxwell | D 1135 | D. A. Mounts | D 1967 |
| Reuben W. Moore | D 1136 | J. C. Sefton | D 1991 |
| Cora Childs | D 1146 | Jennie Holland | D 2024 |
| Janie Hughes | D 1179 | Lou Sanders | D 2216 |
| Francis B. Reid | D 1180 | Caroline Barnes | D 2591 |
| Martha Carey | D 1195 | Lacey Crane | D 2592 |
| Christina Johnson | D 1199 | Daisy Cash | D 2595 |
| Louvenia Ironside | D 1208 | Hiram A. Landers | D 2599 |
| Martha J. Henson | D 1218 | Charles Neel | D 2603 |
| David A. Martin | D 1228 | Mattie Robinson | D 2605 |
| Fred D. McEnery | D 1235 | Jennie Rich | D 2606 |
| Nathaniel R. Martin | D 1261 | Alexander C. Russell | D 2607 |
| James H. Requa | D 1266 | Pricilla Ross | D 2608 |
| Frank Carver | D 1267 | Tom W. Reeves | D 2609 |
| Etta B. Payne | D 1270 | Mary Smart | D 2612 |
| Mary Garrett | D 1271 | Rufus Tidmore | D 2613 |
| Joe W. Goodman | D 1272 | Jasper Turquitt | D 2614 |
| Mathew J. Flanigan | D 1274 | Mabel West | D 2618 |
| Lizzie C. Holland | D 1285 | Ophelia West | D 2619 |
| Etta Downing | D 1291 | Cora Whisenhunt | D 2620 |
| William Caywood | D 1296 | Katy Martin | D 2667 |
| Clarence W. Turner | D 1307 | Willis Butler | D 2686 |
| Alfred Chaney | D 1313 | Claud Barger | D 2687 |
| Euphemia Sweetwater | D 1314 | Disie Conner | D 2698 |
| Etta Russell | D 1319 | John Culwell | D 2699 |

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| Herbert F. Couch | D 2700 | Samuel A. Parkhurst | D 2821 |
| Albert C. Dykes | D 2703 | Ellen Rogers | D 2822 |
| Delora Drew | D 2704 | Elijah Rolland | D 2827 |
| Frank F. Danderson | D 2705 | Endora Steele | D 2828 |
| James Gafford | D 2708 | William M. Stucker | D 2829 |
| Anna L. Harlin | D 2715 | Sallie Tauuneacie | D 2831 |
| William R. Lipsey | D 2717 | Mary Tassle | D 2832 |
| Bertha Landrum | D 2718 | John F. Wolf | D 2835 |
| Lila More | D 2722 | Ruth A. Ward | D 2840 |
| John D. Mathews | D 2723 | Winnie Daugherty | D 2884 |
| Mary McIntosh | D 2725 | Mary Guthrie | D 2885 |
| Bertha Nidiffer | D 2730 | Lydia Long | D 2886 |
| Richard Nichols | D 2731 | Edda Roberts | D 2887 |
| William S. Ross | D 2738 | Manda Ward | D 2889 |
| Irene Riley | D 2739 | Elmira J. Alberty | D 2905 |
| William H. Rowley | D 2740 | Thomas C. Cordray | D 2906 |
| Colombus C. Scroggins | D 2741 | Edward Fowler | D 2907 |
| Della Summers | D 2743 | Dora Foreman | D 2908 |
| William S. Sage | D 2744 | Parker Holt | D 2909 |
| Eliza Thomas | D 2748 | John Haston | D 2910 |
| John P. Thurman | D 2749 | Georgie Harlin | D 2911 |
| Mary E. Davis | D 2770 | Percillia Johnson | D 2913 |
| Jessie Frick | D 2774 | Bettie Morton | D 2915 |
| Enna Buffington | D 2788 | Samantha Spade | D 2917 |
| Will Black | D 2789 | Mariah Ward | D 2918 |
| Maggie E. Davis | D 2792 | Ellen Watt | D 2919 |
| Thomas Dotts | D 2793 | Nora Morten | D 2920 |
| William Daws | D 2794 | Lizzie Anderson | D 2981 |
| Nancy Dawson | D 2796 | Francis Duval | D 2984 |
| Lena Fields | D 2797 | Wade S. Hayes | D 2987 |
| Effie Grayham | D 2798 | James A. Hankins | D 2988 |
| Alice C. Hill | D 2799 | Joseph Hardee | D 2991 |
| Bertha H. Harlin | D 2800 | Tennie Horn | D 2992 |
| Margrett C. Hudson | D 2801 | Eveline Hall | D 2993 |
| Joseph A. Kelley | D 2803 | John E. Leftwich | D 2995 |
| Andrew O. Kepler | D 2804 | Mattie Henson | D 2994 |
| Josephine King | D 2805 | John D. Colvard | D 2998 |
| Sarah Jane Birdsong | D 2806 | Charles W. Phillips | D 2999 |
| Marion Maddox | D 2807 | Sarah Shanks | D 3000 |
| John A. McKenzie | D 2808 | Nettie Young | D 3009 |
| Ione McGee | D 2809 | Jerry P. Ables | D 3048 |
| Ollie Miller | D 2810 | Almedie Ross | D 3052 |
| William A. Martin | D 2811 | John S. J. Fowler | D 3055 |
| Jesse P. Morrow | D 2812 | Leaner Hood | D 3056 |
| Oliver Mason | D 2813 | James D. Jackson | D 3057 |
| Edna Whitehead | D 2814 | Emma G. Nelson | D 3058 |
| Charley Nuckolls | D 2815 | Alice Simco | D 3059 |
| Etta M. Nidiffer | D 2817 | George O. Wallace | D 3060 |
| Louizer Ossowee | D 2818 | Fannie Clay | D 3078 |
| William H. Patterson | D 2820 | Ellen Drew | D 3079 |

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|--------------------|---|------|-------------------|---|-----|
| Lue Fish | D | 3081 | Della Baldridge | R | 105 |
| Horace Gray | D | 3082 | Samuel Richey | R | 107 |
| Lula Pack | D | 3083 | Malissa Fields | R | 144 |
| Lelia C. Harris | D | 3084 | Fred Zimmerman | R | 220 |
| Thomas Jones | D | 3086 | Ella Anspach | R | 241 |
| Benjamin Laws | D | 3088 | Michael R. Mizer | R | 266 |
| Martha Spade | D | 3092 | Belle A. Powell | R | 352 |
| Julian Wyrick | D | 3093 | Austin L. Hill | R | 420 |
| Samuel Harlan | D | 3157 | Mary L. Dudley | R | 439 |
| Lizzie Phariss | D | 3171 | Stephen Hazlett | R | 465 |
| Jack Michael | D | 3172 | Mary A. Payne | R | 484 |
| Sarah E. Davis | D | 3176 | Rebecca Benge | R | 563 |
| Grace Guthrie | D | 3181 | Sarah Wilson | R | 613 |
| Mary E. Thornton | D | 3183 | Dora Crane | R | 628 |
| Mamie Thompson | R | 4 | Andrew Sitrell | R | 642 |
| Jimmie G. Thompson | R | 5 | John Sitrell | R | 642 |
| William T. Kelly | R | 10 | Lillie May Wilson | R | 643 |
| Alice Tidwell | R | 19 | Ollie A. Barger | R | 656 |
| Rosenna McLaughlin | R | 41 | Ida Hawkins | R | 671 |
| Martha A. Perdue | R | 45 | Lizzie Davis | R | 761 |
| Gabriel L. Payne | R | 61 | Clara M. Emmons | R | 803 |

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Cherokee

28

Muskegee, Indian Territory, March 13, 1907.

Martin L. Stokes,

Afton, Indian Territory.

Dear Sir:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

Commissioner,

Cherokee
B et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-100
LMC

Cher R 1025

Tron from Cher D-35

Cher R 1025

filed with C. D. 35, Gideon Graham et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Francis Marion Dawson, wife and children for enrollment as citizens of the Cherokee Nation, and being sworn by Commissioner, C. R. Breckinridge, testified as follows:

- Q What is your full name? A Francis Marion Dawson.
Q What is your age? A I am fifty eight years old.
Q What is your Postoffice? A Ocoona.
Q What District do you live in? A Delaware.
Q Who is it you want to have enrolled? A Myself and family.
Q Your wife? A Yes, sir.
Q How many children? A Six.
Q Do you apply for enrollment as a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir; she is a white woman.

- Q How long have you lived in the Cherokee Nation? A Since 1880.
Q Were you admitted by the Cherokee Commission? A Yes, sir.

The applicant presents a duly authenticated certificate of admission to citizenship, showing that on the 11th day of January, 1887, certain persons were admitted by the Commission on citizenship, and among them appears the name of F. M. Dawson.

- Q What is your name is it? A Yes, sir.
Q This is recognized as satisfactory evidence of the facts stated.
Q Have you lived in the Cherokee Nation ever since your admission? A Yes, sir; in Delaware District ever since.
Q Give me the name of your wife? A Katie Dawson.
Q How old is she now? A Forty five.
Q Was she admitted with you? A No, sir.
Q Have you married her according to Cherokee law since your admission? A No, sir.

- Q You have not remarried since your admission? A No, sir; it was not necessary.

The applicant presents a duly authenticated marriage license and certificate, showing that he was married to his wife, as stated by him, in 1880, by the Reverend H. W. Goudelock, in Carroll County, Arkansas, the license being issued by the clerk of that County.

- Q These papers are filed herewith.
Q Your wife was not admitted by the Cherokee Commission, when you were? A No, sir.

- Q Or at any other time? A No, sir.
Q By act of the Commission or Council? A No, sir; she was not on the rolls.

- Q On the census rolls? A Yes, sir.
Q Give me the names of your children, please? A Lulu.
Q How old? A Seventeen.
Q Next child? A Ray.
Q How old? A Fifteen.
Q Next child? A Jessie Jane.
Q How old? A Fourteen.
Q Next child? A Jacob Levy.
Q How old? A Ten.
Q Next child? A Hugh A.
Q How old? A He is eight I believe.

- Q Next child? A Laura.
 Q How old is that child? A She is four years old.
 Q Is that all? A Yes, sir; six others. I have others, but they are not at home.
 Q Are they married? A No, sir.
 Q Are they over age? A Yes, sir.

(1896 Roll, Page 461, #902, Francis Marion Dawson, Delaware.
 (1896 Roll, Page 509, #135, Katie Dawson, Delaware District.
 (1896 Roll, Page 461, #903, Lula Dawson, " "
 (1896 Roll, Page 461, #904, Ray Dawson, " "
 (1896 Roll, Page 461, #905, Jesse James Dawson, Delaware Dist.
 (1896 Roll, Page 461, #906, Jacob Levy Dawson, " "
 (1896 Roll, Page 461, #907, Hugh A. Densmore Dawson, " "
 (1896 Roll, Page 461, #908, Laura Albertie Dawson, " "

- Q Is this Lula or Luly? A Luly.

The applicant applies for the enrollment of himself, wife and six children:

- Q Were these children all born since you were admitted into the Cherokee Nation? A Yes, sir.

The applicant is shown by the certificate of admission, cited in the testimony, to have been admitted to Cherokee citizenship, by the Commission on Citizenship, January 11th, 1893; he is identified on the roll of 1896, but the representative of the Cherokee Nation desires to make inquiry into the methods of that time, and for that reason, the application of the applicant will at present be placed on a "Doubtful Card." He has lived in the Cherokee Nation ever since his admission to citizenship. His wife was married to him under United States law, and was married prior to his admission: she has never been remarried according to Cherokee law: She has lived with him ever since his admission to citizenship, and she is identified on the roll of 1896. The application for her enrollment will be placed on a "Doubtful Card".

Their six children, as enumerated in the testimony are identified on the roll of 1896: They are living at this time, all having been born since his admission (Applicant's). These children will be placed with him on a "Doubtful Card". The applicant's marriage to the mother of these children is established by the marriage license and certificate filed herewith. If any additional papers, adverse are developed in this case, he will be given timely notice thereof.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) R. E. Cravens.

Subscribed and sworn to before me
 this 10th day of September, 1900.

(Signed) C. R. Breckinridge,

Commissioner.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment :
of F. M. Dawson and others as :
Cherokee citizens. :
-----:

Depositions of sundry persons in behalf of the applicants for enrollment mentioned in the title, taken before me, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, at the office of G. B. Denison in the Gray-Halsell building in the town of Vinita, Indian Territory, on Thursday the fourth day of October 1900, between the hours of one and a half o'clock and six o'clock in the afternoon of said day, in accordance with the agreement to take testimony, entered into between the applicants and the Cherokee Nation, by their respective attorneys, which agreement is hereto attached.

T. F. Thompson, being produced by the applicants, being first duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

- Q State your name, age, residence and occupation?
A T. F. Thompson, 53 years old, I live near Vinita, Cherokee Nation,
I. T. I am a farmer.
Q How long have resided in the Cherokee Nation? A All my life.
Q Are you a citizen of the Cherokee Nation as now constituted?
A Yes, sir.
Q Upon what is that citizenship based, blood or otherwise?
A Blood.
Q What, if any official position have you held in the Cherokee Nation, and at what time?
A I was elected to the Cherokee Council in 1870 some odd, I don't remember the exact year, I was also on the Commission Court.
Q Do you remember when that was? A Some time in 1880 or 1881, I think, it may have been earlier.
Q Did that Commission or Court have anything to do with admission to citizenship in the Cherokee Nation? A Yes, sir.
Q State, if you remember, how many members of that Commission or Court, there were, and who they were besides yourself?
A There were three, Tchoo, Wolf and myself, Tchoo was President of the Court.
Q Where were the sessions of that body held? A Tahlequah, Cherokee Nation.
Q Did you have a Clerk? A Yes, sir.
Q Do you remember who that was? A D. W. C. Duncan.
Q Do you know whether the members of that Commission besides yourself, are living or dead? A Yes, sir, they are both dead.
Q Can you recollect now what period of time that Commission lasted?
A About two years I think, two, sessions, and there was one session each year.
Q Were the sessions of that body held in Tahlequah, open to the public at all times when it was in session?
A Yes, sir.
Q Were the cases coming before that body heard in open session?
A Yes.
Q Witnesses examined orally? A Yes, sir.

Q Judgments of the Court or Commission pronounced in open session?

A In case of decisions I think they sometimes had secret sessions, yes, the judgments of the Commission were pronounced openly.

Q What you intended to convey by your answer to the former question was that after hearing the proof the Commission or Court deliberated in secret session upon the testimony taken before reaching a decision or announcing it? A After hearing all the testimony we went into secret session.

Q I will present you with a paper which the Notary will mark exhibit "A" and a copy of which he will attach to your deposition, and will ask you if with the exception of the certificate of record by M. L. Bragdon, Clerk, and John L. Adair Asst. Ex. Secretary, you recognize it as a paper you have ever seen before?

A I recognize the signature to it, but don't remember the instrument.

Q Which signature on that paper do you recognize? A My own.

Q That signature is in your own handwriting? A Yes, sir.

Q Do you know whether Thomas Teehe, president of the Commission could write in English or not? A No, I don't think he could.

Q How as to Alexander Wolfe, a member of the Commission?

A I don't think he could write either, I don't think either of them ever wrote except by touching the pen.

Q Were you, and are you familiar with the handwriting of B. W. Duncan, the Clerk of that Commission?

A Tolerably well, but it has been a long time since I saw any of it.

Q Will you look at the paper again and say whether you recognize his signature attached thereto?

A Yes, that is his signature to the best of my knowledge.

Q Do you preserve any personal recollection of the application before that Commission of F. H. Dawson and other members of the Dawson family, to be admitted as citizens of the Cherokee Nation by that Commission?

A I remember F. H. Dawson and his brother, that is about the only ones I remember.

Q The question was not as to the personal recollection of the individuals, but as to the claim being presented by the Dawson family for admission?

A Yes, there was such a claim before the Commission.

Q Can you state as to the citizenship of Thomas Teehe, whether he was a citizen of the Nation by blood or not?

A Yes, sir, he was always recognized as such, full blood Cherokee.

Q What is your knowledge of Alexander Wolfe?

A About the same, he was also a full blood and recognized as Cherokee.

Q Judge Thompson, if you possessed or had, or have now any knowledge of any corruption or bribery of the court or Commission, or any member of it by F. H. Dawson or any of the Dawson family, or anybody connected with the presentation of their claim for citizenship, state it fully?

A Done whatever as far as I was concerned, and I don't think it was by the balance of the Court.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q Do you mean to say Mr. Thompson that your name attached to the certificate shown you is in your handwriting?

A Yes, sir.

Q Now Mr. Duncan certified that this is a transcript of the testimony in the case, he is mistaken, that is the original?

A No, I don't know, that may be the original, if that is not the original I don't sign it, if it is the original I sign it.

Q You state that the witnesses were examined orally before the Court, don't you know that in almost every case you took ex parte

affidavits of witnesses when those witnesses were not present?

A I think we ruled ex parte evidence out, as well as I remember.

Q Did you have any stenographer or anybody to copy the evidence?
Mr. Duncan did all of the copying.

Q Was the evidence copied and preserved?

A Yes, sir, I think it was.

Q What was done with that evidence, where was any of it ever put?

A I suppose it is at Tahlequah in the office of the Treasurer or secretary.

Q When you went into secret session did you have Mr. Duncan read that evidence to you?

A Yes, sir, we went over the evidence thoroughly.

Q Did you allow the applicants or their attorneys admission to any of your secret sessions?

A No, sir.

Q Then you got ready to render your decisions did you then send for the applicants or their attorneys?

A No, sir.

Q And you rendered them in secret also, did you? A Yes, sir.

Q Have you any recollection who testified in the Dawson case, as to their claim? A No, sir, I have not.

Q Have you any recollection as to who they claimed their Cherokee ancestors were? A Yes, sir, they claimed the Rogers.

Q Did they claim relationship with any of the present families of Rogers residing in the Cherokee Nation?

The applicant objects to this question as tending to elicit testimony wholly incompetent and irrelevant to the issue, and not cross-examination of this witness.

A I don't know that they did, particularly.

Q How would your court determine when they claimed descent through some Rogers family, that that family was of Cherokee blood?

The applicant objects to the question upon the same grounds as their objection to the previous question.

A By the evidence they produced.

Q Didn't you make them prove that that family was well known at one time to be connected with the Cherokee Nation, and were citizens thereof? A Yes.

Q Who was the attorney for the Dawsons? A Old man Houston Benge.

Q Could either Teehee or Wolfe speak English? A They could understand, but they never spoke English, they had an interpreter.

Q Did you ever talk to either of them as to whether they got anything for deciding this case? A No, sir.

Q How long were you considering the case altogether?

A I could not say as to that, I think we were over it two or three weeks anyhow, I could not say positively now, they were a long time sitting in testimony.

Q There were only two or three witnesses examined all told, were there not?

A I think so, three I think, they had quite a lot of affidavits, but we did not consider them.

Q Well the Court was a good while arriving at its conclusion after the evidence was closed?

A Yes, quite a good while, I don't remember the exact time.

RE-DIRECT EXAMINATION:

Q Do you remember who the interpreter the Commission had during the hearing of the Dawson case.

A His name was Reese, I forgot his given name.

Q Do you know whether he is living or dead?

A I don't know, he seemed to be in bad health at the time we had the case up, I think they are all dead but me and Mr. Duncan.

Q What was he, a Cherokee by blood?

A He was considered a Cherokee by blood.

Q Do you know where he lived at that time?

A No, sir, he lived in the South part of the Nation though, I think in Sequoyah.

(Signed) T. F. Thompson.

Copy of Ex. "A" to T. F. Thompson's testimony.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

I, Marshall L. Bragdon, Clerk of the United States Court in the Indian Territory, herby certify that the instrument hereto attached was filed for record in my office the 9 day of March, A. D. 1893, at 10-30 o'clock A. M. and duly recorded in book C. Misc Record Mortg. & Liens, page 339.

Witness my hand and seal of said court at Muscogee, in said Territory this 16 day of March, A. D. 1893.

(SEAL)

M. L. Bragdon,

Clerk.

Transcript to which this is attached, endorsed on back as follows:

"No. 108, Robt. Dawson et al, VS the Cherokee Nation,
Transcript of Judgment, Filed Mar. 9, 1893 10-30 A. M. Marshall
L. Bragdon, Clerk.,

OFFICE OF COMMISSION ON CITIZENSHIP,
TANLEQUAH, CHEROKEE NATION, JANUARY 11th, 1893.

Robt. Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John
Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly
No. 108 Dawson, Wilbron Dawson, James Dawson, Rial Dawson,
VS,
The Cherokee Nation.

And now on this, the 11th day of January, A. D. 1893, this case coming on for final hearing and all the evidence produced in the case being carefully read and duly considered by the Commission it was adjudged and determined by the Commission on Citizenship, that the claimants, Rob't Dawson, F. M. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilbron Dawson, James Dawson, and Rial Dawson, are Cherokees by blood; and that they are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they should be, and they are hereby

admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

D. W. C. Duncan,) Thomas Tehee, President of Com.
Clerk of Commission.) Alex Wolf,)
T. F. Thompson,) Commissioners.

I hereby certify that the above is a correct transcript of the decision of the Commission on Citizenship in the above entitled case as appears of the record in my office.

January 11th, 1883. D. W. C. Duncan,
Clerk of Commission.

Executive Department,
Tahloquah, Cherokee Nation.

January 11th, 1883,

I hereby certify that the within named Commission on Citizenship, composed of Thomas Tehee, President, Alex Wolf and T. F. Thompson, are now and were at the time the within named persons were admitted to Cherokee Citizenship, a duly authorized and Commissioned Commission on Citizenship, and that their actions are such are legal and binding.

Witness my hand the

Witness my hand and the seal of the Cherokee Nation, on the date above written.

John L. Adair,
Asst. Ex. Secretary.

United States of America,
Indian Territory,
Northern District,

I, Lewis T. Martin, a Notary Public in and for the Northern District of the Indian Territory, duly appointed, qualified and acting as such, do hereby certify that the above and foregoing two pages, consisting of this one and the preceding one which is attached hereto, is a true, complete, and perfect copy of the transcript of the judgment of the Commission on Citizenship as the same was presented to me during the examination of T. F. Thompson as a witness, and identified by me at the time by writing thereon "Exhibit A" to testimony of T. F. Thompson, L. T. M. - N. P. Oct. 4, 1900. " The foregoing copy having been carefully compared by me with the said original.

Given under my hand and seal of office as such Notary Public, this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires Feb 3rd, 1902..

D. W. C. Duncan being produced by the applicants after being sworn to testify to the truth, the whole truth and nothing but the truth testified as follows:

DIRECT EXAMINATION BY G. B. DENISON:

Q Please state your name, age, residence and occupation?

A My name is D. W. C. Duncan, my age is 70 years, my residence is Viola, Indian Territory, my occupation is a farmer.

Q How long has that been your place of residence? A Since 1871.

Q Are you a member of the Cherokee Nation as it is now constituted?

A Yes, sir.

Q Upon what is your citizenship based, a Cherokee by blood?

A Yes, a Cherokee by blood.

Q In January 1883, did you hold any official position in the Cherokee Nation, if so, what was it?

A About that time I held the position of Clerk of the Citizenship Court or Commission.

Q If you remember the names of the members of that Commission or Court, please give them?

A The President of the Commission was Toker I believe, and a member by the name of Wolfe whose first name I do not recollect, and Mr. Thompson here.

Q T. F. Thompson?

A Yes.

Q Do you know whether those three members of that Commission were recognized citizens of the Cherokee Nation, and whether their citizenship was based upon blood or not?

A They were supposed to be citizens of the Cherokee Nation and their citizenship was based upon their blood.

Q Will you please look at the paper now handed you which the Notary has marked exhibit "A" to the deposition of Mr. T. F. Thompson, and a copy of which he will attach to Mr. Thompson's depositions, and state whether with the exception of the certificate of H. L. Bragden, Clerk, and of John L. Asair Asst. Ex. Secretary, you recognize the paper as one you have ever seen before?

A Yes, I think I have seen this before.

Q When, and where, if you remember, did you first see that paper?

A This is a paper I drew up at the time I was acting as clerk of the said Citizenship Court.

Q Looking at its date, was it drawn up at you at the time it bears date?

A To the best of my recollection it was drawn up at the date specified.

Q Do you recognize the signature to the certificate attached to that paper?

A Yes, that is my signature.

Q State if you know, in whose handwriting the body of the paper is?

A It is in my handwriting.

Q And at that time you were clerk of that Commission? A Yes.

Q Will you please look at the signatures of the members of the Commission as they appear on that paper, and state if you can, by whom they were written?

A I think the first two is my handwriting, the last I recognize that as T. F. Thompson's.

Q Explain please, how you came to write the signatures of Toker Toker and Alex Wolfe to that paper?

A Thomas Toker and Alex Wolfe were full-bloods and could not write, and in their presence, and at their request I wrote their signatures.

Q Was that the usual manner of certifying to the action of the Commission to applicants as to the decision of their application for citizenship, when admitted?

A In all instances here it was necessary for the Court to sign a paper of any kind it was adopted by that Court for the Clerk to sign Teehe's and Wolf's names and T. P. Thompson to sign his own name.

Q You didn't catch exactly my idea, but perhaps that answered it, what I intended to call your attention to, was whether when applicants had been admitted to citizenship a paper of this kind now shown you, signed by the judges as you have explained, and certified by you as a transcript of the proceedings was issued?

A My recollection is that a transcript of the judgment was issued to the applicant when they were admitted at their request, the judgment was put out upon the record when they were admitted and signed by the judges, and whenever the transcript was delivered to the applicants I think it was signed by the judges.

Q If you had any knowledge at the time the application of the Dawson family, F. M. and others whose names are mentioned in that paper, was pending before that Commission, or before or after, of any corruption or bribery, or attempted corruption or bribery of the Court or any of its officers, by F. M. Dawson, or any person connected in any manner with the claim of the Dawsons to citizenship in the Cherokee Nation, state it fully?

A I never heard a thing of the kind, I know nothing of the kind, all that I have ever heard about a question of that kind is what has originated recently, since the enrollment business has been inaugurated.

CROSS-EXAMINATION BY W. T. HUTCHINGS:

Q If as you certify, this paper was a transcript of the record, why did you have the judges sign it?

A I know no reason further than that was the practice at that time, the members of the Court being present I presume it was thought it would be as good or better than the signature of the Clerk.

Q Examine that signature of Mr. Thompson, examine the first T in his name and the T in Teehe's name and see if it is not all your own handwriting?

A No, I would not call that mine, there is a resemblance between the letters but I am satisfied it is a mere fortuity, accident.

Q How was the evidence taken in those cases?

A It was taken by the witness being present and detailing his knowledge of the case, I wrote it down sentence by sentence as it was delivered.

Q Do you know whether that evidence is in existence or not?

A I do not, the last I saw of it was when I turned the records over to the Executive office at Tahlequah, and I have not seen it since.

Q You say you never heard any talk about this being an improper case until very recently?

A Well, that would depend upon what you mean by recently, I don't think I ever heard of it prior to three years ago, I can safely say that did not.

Q Do you remember through what ancestor they claimed their right to citizenship here?

Objected to by applicants because the question tends to elicit testimony which is wholly incompetent and irrelevant, and because it is not proper cross-examination.

A They claimed their right of citizenship through a man by the name of Rogers, I don't recollect his first name.

Q Do you know how many Rogers families there are who have citizenship in the Cherokee Nation?

A I do.

(Signed) D. W. C. Duncan.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

I, LEWIS T. MARTIN, a Notary Public in and for the Northern District of the Indian Territory, do certify that the foregoing depositions of T. F. Thompson and D. W. C. Duncan were taken before me at the time and place and in the action mentioned in the caption, and said T. F. Thompson and D. W. C. Duncan, having been first by me sworn that the evidence they should give in this matter should be the truth, the whole truth and nothing but the truth, and that their statements were reduced to writing by me on the typewriter in their presence; the claimants being present in person and by their attorney G. B. Denison, and the Cherokee Nation being represented by W. T. Hutchings Esquire its attorney,.

Given under my hand this 4th day of October, A. D. 1900.

(SEAL)

(Signed) Lewis T. Martin.

Notary Public.

My commission expires 2/3/1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T. T., April 8, 1902.

In the matter of the application of Francis Marion Dawson et al for enrollment as citizens of the Cherokee Nation,. He being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Francis Marion Dawson.
Q How old are you? A Soon will be sixth years old.
Q What is your postoffice address? A Afton now, it used to be Osburn.
Q What was the name of your wife? A My first wife was Julia Ann Howard.
Q She was a white woman? A Yes, sir.
Q When were you married to her? A I think it was the 8th of January, 1864.
Q Where were you living at that time? A In Arkansas.
Q Who married you? A A man by the name of Dave Sturdy.
Q Was he a preacher? A Yes, sir.
Q A Minister of the Gospel? A Yes, sir.
Q Did you and she live together as husband and wife up to the time of her death? A Yes, sir.
Q Did you have any children by her? A Yes, sir.
Q What are their names? A Willie R. Dawson.
Q The next one? A Francis Marion Dawson Jr.
Q The next one? A Johnnie.
Q The next child? A Elizabeth.
Q The next one? A Arizona Allred.
Q Those are all the children you had by your first wife? A Yes, sir.

Joseph R. Dawson, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A Joseph R. Dawson.
Q How old are you? A I will be 51 the 18th day of June.
Q Are you related to the applicant here in this case, Francis M. Dawson? A Yes, sir.
Q How are you related to him? A Brother.
Q Did you know his former wife, Julia? A Yes, sir.
Q Is she living or dead? A She is dead.
Q Was she a Cherokee or white woman? A I couldn't say what; she they married in the states.
Q Do you know when he was married to her? A Yes, sir.
Q When was it? A About the close of the war.
Q Who married them? A Parson Sturdy.
Q Were you present when they were married? A Yes, sir.
Q Did they continue to live together as man and wife up until the time his wife Julia died? A Yes, sir.

John K. Stevens, being sworn and examined by the Commission, testified as follows:

- Q What is your name? A John K. Stevens.
Q How old are you? A 56 years old.
Q What is your postoffice address? A Afton.
Q Are you acquainted with the applicant here in this case, Francis M. Dawson? A Yes, sir, as we call him, Bud Dawson.
Q How long have you known him? A My first acquaintance with him was in '61.
Q Did you know his first wife, Julia? A Yes, sir.

Q Do you know whether or not they were married? A Yes, sir, they were married.

Q Were you present at the marriage? A No, I wasn't present at the marriage.

Q Did you see them soon after their marriage? A Yes, sir.

Q Did you continue to know them for any length of time afterwards? I knew them as long as she lived.

Q During the time you knew them did they live together as husband and wife? A Yes, sir.

Q Were they recognized in the community as such? A Everybody recognized them.

This testimony will be filed with and made a part of the record in the following Cherokee cases:

John Dawson, D-585, John Dawson, D-580, William R. Dawson, D-581, Lewis Dawson D-584 and Francis M. Dawson Jr. D-588.

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I recorded the proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) E. G. Rothenberger.

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
FRANCIS M. DAWSON, ET AL., as citizens of the Cherokee Nation:

The case having been set for final hearing March 17, 1902, the
following proceedings were had:

APPEARANCES:

Mr. A. S. McKennon, of counsel for applicants;

Mr. W. T. Hutchings, of counsel for Cherokee Nation.

Mr. Hutchings: Comes now the Nation on the calling of this case and announces that it is ready for trial, provided permission is given to hereafter examine before the Commission, either at this place or Fort Gibson, the witness S. H. Benge, who has been regularly summoned to attend at this day and time but who is too sick to travel at this time and probably will be for some time to come. As evidence of a good faith of the Nation we hereby present an affidavit of the facts sought to be proven by the said Benge. If the applicant's counsel are willing to concede that the witness if present would testify to the facts herein set forth, the Nation is ready to proceed to trial without reservation of any kind. If they are not it desires to reserve this privilege of hereafter, either tomorrow or otherwise, this case being set for to-day and tomorrow, of examining before the Commission, or its authorized officer, this witness as above set forth.

Mr. McKennon: Applicants object to the introduction of the paper presented and do not admit that the witness, Samuel H. Benge if present would testify to the facts therein stated. They consent and desire that the testimony of said Benge be taken before the Commission at its office in Muskogee but not elsewhere, and protest against it being taken at any other place, with the understanding, however, that when taken we have opportunity to introduce any evidence we may desire in rebuttal.

Mr. Hutchings:

The Nation will pay all the expenses of the opposing Counsel, their client and Commission officers in taking the deposition at Fort Gibson.

Commissioner Breckinridge: The allegations of this witness are material in their character and are quite tangent. The Commission of its own volition would acquire information of that character if it knew of its existence anywhere. While the functions of the Commission, as well known are in many respects judicial, yet it is bodied with somewhat complex powers, such as Congress creates from time to time to do business of certain character, and it is ordered to make a correct roll, which is a duty largely independent of hearing simply what is brought before them; it must be the architect and constructor of that roll and if evidence is not brought before before the Commission it must go out and get it, to be uniform on that construction of the law. The Commission, therefore, desires this information independent of any counsel on either side both with respect to the applicant and to the Nation, and if this witness is

I am not able to come one of the Commissioners will go to Fort Gibson and to his bed-side, or send a proper official, if necessary to take his testimony. The only matter to consider, therefore, is one of convenience with respect to getting this testimony. Now, I understand that this witness is an extreme sufferer from Bright's disease; he is an old man and he may never be able to get out of the house, and it may be an injustice to him to subject him to a trip here, and therefore it seems to me better that counsel for Plaintiff submit to a form of taking a deposition or else accompany an official of this Commission over to Fort Gibson and let his testimony be taken there.

After consultation with the attorneys upon the two sides it is found to be agreeable that the parties start to Fort Gibson to-morrow morning at half past eight o'clock, and it is agreed there and directed with an official of the Commission with a stenographer leave from the office of the Commission for Fort Gibson at 8:30 to-morrow morning.

FRANCIS H. DAWSON, the applicant, re-called for additional cross-examination on part of the Cherokee Nation:

MR. HUTCHINGS:

- Q What is your name? A Francis H. Dawson.
 Q Where do you reside? A In Afton.
 Q You have been examined in this case heretofore, have you?
 A I don't know which case it is.
 Q In your own case? A Yes, sir.
 Q Are you the one that is commonly called Bud Dawson? A Yes, sir.
 Q You made the original application in the Dawson family for admission to citizenship in the Cherokee Nation, didn't you? A Yes, sir; my brother.
 Q What was his name? A A. E. Dawson.
 Q You and Robert Dawson and Elbert Dawson and others applied September 24, '81, about that time? A Yes, sir.
 Q And you were admitted about the 11th of January '83? A Yes, sir.
 Q There were other members of your family that applied and were admitted after that time? A Yes, sir.
 Q Do you or not remember the evidence offered in these to substantiate their cases was the relationship between yourself and Robert and others and the evidence of your admission by the Territorial Court. In all the subsequent admissions I mean the only evidence offered was the fact that you and your brothers had been admitted before and that they were kin to you; that was the only evidence offered in any subsequent cases, wasn't it; so far as you know?
 A That is afterwards?
 Q Yes, afterwards? A I think there was some other evidence introduced.
 Q Don't you know that there was never any evidence offered in any other case except evidence of Dr. Baker of Arkansas? A Yes, sir.
 Q Who else? A Oliver Miller.
 Q Who was Oliver Miller; the records in this case have been somewhat destroyed and mutilated? A Oliver Miller, he lived in Arkansas.
 Q What was he, who was he? A He is no kin to me at all.
 Q Well, what station in life did he occupy; was he a farmer?
 A Yes, sir, farmer.
 Q Were you present when he testified? A Yes, sir.
 Q Were you present when Dr. Baker testified? A Yes, sir.

- Q Have you a fair recollection of the testimony of those two men?
A No, not at all.
- Q You don't read do you, Mr. Dawson? A No, sir, I don't read nor write; I can barely write my name.
- Q Do you think you would remember the testimony of Dr. Baker if your mind was refreshed on it? A Part of it I think.
- Q Were you present when you were admitted? A I was not in the room.
- Q You were in Tahlequah at the time? A I was in the town of Tahlequah at the time.
- Q I will read this paper to you and desire for you to say whether or not it was the testimony of Dr. Baker in your case:
(Affidavit of Dr. Arthur Baker read to witness, and asked to be copied in the record later.)
- Q Is that the correct transcript of the testimony? A It has been so long ago, I could not say; a part of it is, I could not remember it all.
- Q Does that state the facts as to the family history correctly so far as you know about it? A So far as I know.
- Q Now, you were a son of what Dawson? A Robert Dawson.
- Q How many children did Robert Dawson have, and give me their names?
A Elbert Dawson, the oldest; Lila, Jesper, Francis Marion-
- Q That is yourself? A Yes, sir; Elizabeth Dawson, Josephine Dawson, John Dawson, Joseph Dawson, Jane Dawson, James Dawson, Edna Dawson, Mollie Dawson, Wilburn Dawson.
- Q Thirteen? (No response.)
- Q Now, Robert Dawson's father was whom? A Sam Dawson.
- Q Who was Sam Dawson's wife, your grandmother? A I have been told.
- Q By family history is all you know? A She was called Polly Dawson.
- Q Who was Anna Pruitt? A I don't know.
- Q Never heard of anybody in the family by the name of Anna Pruitt? A No, sir, that was away back in the old country; I have heard talk about it, old Dr. Baker talked about it.
- Q Your grandmother's name was Polly Dawson? A Yes, sir; I don't remember seeing her but once, she died when I was small, died in Texas.
- Q Pollie Dawson? A Yes, sir.
- Q And she was known to be Pollie Rogers, her maiden name? A Yes, sir.
- Q Daughter of Captain John Rogers? A Yes, sir.
- Q Now, she died in Texas what time? A I don't remember.
- Q Can't you guess at it? A Oh, I could guess.
- Q Give your best recollection? A About '58 or '59, or no, '48 or '49; I don't say positive, just guessing at it.
- Q How old a boy were you then? A I was born in '48.
- Q Have you any distinct recollection of her? A No, sir.
- Q Have you any recollection of all the children of Sam and Pollie Dawson; that is, your father, uncles and Aunts? I didn't see all of them.
- Q Do you know by family history the names of all of them? A Yes, sir.
- Q Will you give them to me?
A Betsy Ann Dawson, I believe her name was.
- Q Did she marry a Petty? A Yes, sir; the next is Robert Dawson.
- Q Your father? A Yes, sir.
- Q Next one? A I think the next was James Dawson, and I think the next one was a girl, Edna Dawson.
- Q Did he have two daughters? A Yes, sir.
- Q Well sir? A The next one was Joe Dawson; I never saw him; Riley Dawson.

- Q That is Samuel R. Dawson, Riley Dawson? A Yes, sir.
Q Any other one? A That is all I know anything about.
Q Did he have any child by the name of John? A Yes, Jack.
Q Didn't you get Jack displaced with Joe? A No, it was Joe; I have heard my father speak of him.
Q Then they have seven children? A I never see them all.
Q How many of them did you ever see? A I see Uncle Riley Dawson and James Dawson and Jack Dawson and Retay Ann Petty; I don't think I saw but one of Pa's sisters and brother, they went to Mississippi I think.
Q Do you know what your family history says that the mother of your grandmother, Pollie Rogers' name was? A We have no history.
Q Well, as it was brought down to you; did you ever hear anybody say what your great grandmother's name was? A No, I don't remember.
Q What is that other man, Oliver Miller that testified in your case? A He testified in James Dawson's case; he never testified in my father's case.
Q Well, didn't anybody testify in your case but Dr. Baker?
A Yes, sir, several other witnesses.
Q Who were they? A I don't remember; my mother got them witnesses around Tahlequah, old people.
Q Were you present? A No, sir.
Q You were only present when Dr. Baker testified? A Yes, sir.
Q Now, do you find any mistakes in Dr. Baker's statement there?
A I could not say all of them was correct or not, part of it is correct.
Q What part is correct? A They about knowing the family over there.
Q Who is Buck Dawson? A My brother.
Q What is his name? A He always called him Buck, it is Elbert, E. Dawson.
Q Who went with you the first time you went up to make application for citizenship do you remember? A With my brother.
Q The first time? A I met my brother in Texas.
Q Which one? A E. Dawson.
Q That is Elbert or Buck? A Yes, sir.
Q You were living in Arkansas? A Yes, sir.
Q And he was living in Texas? A Yes, sir, and another one of little brothers, Dr. Dawson now.
Q Dr. Dawson now? A Yes, sir.
Q What is his name? A James.
Q And you three now there? A Yes, sir.

Mr. McKennon: Applicants by their counsel object to all the statement of the witness relating to the testimony introduced before the Cherokee Citizenship Commission, and the history of the family as detailed by him, because the same is incompetent and irrelevant, and cannot be used for the purpose of impeaching the integrity of the judgment of said Commission, or either of the Commissioners in admitting members of the Dawson family.

Commission: The objection of the Attorney for the applicants to the testimony above will be noted. The same will be filed and noted for what it is worth.

(Attorney for applicants waives examination.)

C. H. TAYLOR, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HUTCHINGS:

Q State your name? A C. E. Taylor.
Q Where do you reside, Mr. Taylor? A In near Coffeyville.
Q Were you an attorney before various citizenship Courts along in '01 to '8 in the Cherokee Nation at Tahlequah? A Yes, sir.
Q Were you attorney for F. H. Dawson commonly known as Bud Dawson?
A Yes, sir.
Q Were you present at the taking of testimony in that case? A No, sir; I wasn't present.
Q Do you know who composed the court that decided the case at that time? A Yes, sir.
Q Who were they? A Tom Tohee and Alex Wolfe and Tolly Thompson.
Q Do you know whether or not they were all there when the case was decided? A No, sir, there was only two of them present.
Q Which two? A Tohee and Wolfe.
Q Who was the clerk of the court at that time? A Mr. Duncan, D. V. C. Duncan.
Q Do you know what witnesses were used in the case of Bud Dawson?
A No, sir; now I was the attorney in the case and the evidence had already been filed before the court.
Q When were you made attorney? A I was only called in as an attorney at the-- Well, Mr. Duncan came down there, and Mr. Bryant had the case and several other attorneys had the case and he employed me.
Q Did you read the evidence in this case? A No, sir.
Q Did you deliver any money? A Now, I was the attorney in the case and I don't think it would be right for me to take my statement.
Q Now, you have claimed your privilege, I ask that you answer the question? Did Dawson ever send you any money with the direction to pay it to either member of the court or the clerk of the court, D. V. C. Duncan, and if so state the amount? A I had a heap of trouble over this matter.--

Commission: Just answer the question, Mr. Taylor.
A Being the attorney I don't believe it is right for me to answer that question.

Commission: Do you refuse to answer? A Yes, sir.
Q Did the matter to which you object to testifying occur prior to the rendition of the decision admitting to citizenship or afterwards? (No response)

COMMISSIONER BRECKINRIDGE:
Q Do you desire to reply to the last question? A I don't think it is right; I was attorney in the case.
Q Mr. Taylor, do you object to answering that question? A Yes, sir.
Q You refuse to answer that question, do you? A I had rather not answer it.

Q Either answer it or say you won't answer it? A I had rather not answer it.

Q Mr. Taylor, you have answered a number of questions down to this point, but it is at this point that you prefer to plead your privileges, as an attorney, do you? A Yes, sir.

Com'r Breckinridge: The power in regard to these matters is lodged in the United States. The Court is clothed with special power with reference to matters which arise through this Commission. Of course the Commission desires and the Government

needs for the making of a correct roll the fullest information possible, but it is subject to the limitation of law, and it is not for this Commission to decide of the law in a matter of this character with any authority as I understand it at this time, but to report the matter to the United States Court and let the Court pass judgment.

Under Section 21 of the Cirtis law as it is commonly called Act of June 231898, the members of the Commission shall in performing all duties required of them by law, have authority to administer oaths, examine witnesses and send for papers and persons, and the court is clothed with authority to enforce obedience. The law having enumerated certain powers goes on to say so far as all others are concerned to enable said Commission to take rolls as herein required, and to punish anyone who may in any manner or by any means obstruct said work. Now, the Commission will report the facts to the United States Court and let the Court decide whether or not you are within your lawful privilege. It seems that you refuse to answer questions, or at least one question, which tends to establish as to whether or not you are claiming what is commonly considered a matter of privilege--according to an authority referred to by an attorney, but the enforcement of an answer seems clearly to be a matter for the Court to deal with.

Q Now, Mr. Taylor, in regard to the last question asked you by Mr. Hutchings, one of the Counsel for the Cherokee Nation, I direct that you make answer, and if you refuse I shall report the matter to the United States Court; do you refuse? A Yes, sir.

Q Now, you have read to you, Mr. Taylor, the first of the two questions propounded to you by Mr. Hutchings, and which you declined at the time to make answer; viz: as to whether Mr. Dawson sent you money to pay to the Court or to any officials of the Court, it seems to come to the question as to whether there was any collusion between you and Mr. Dawson and any member of the Court; now, I understand that you refuse to answer that question upon the grounds that you were Mr. Dawson's attorney? A Yes, sir.

Q Now, I require that you answer that question, do you refuse? A Yes, sir.

Q I shall also report that refusal to the United States Court as it seems to come under the provision of law, relating to conspiracy between you and Mr. Dawson which apparently considered a privilege matter, and you base your refusal now, not upon the ground that you are incriminating yourself, but that you were counsel for Mr. Dawson. I will report the matter to the Court and you will be informed at the time of any proceedings in the matter I caution you not to talk with Mr. Dawson or any of the applicants in this case.

Mr. McKennon: Applicants do not object and have not objected to the witness answering on account of his privilege as an attorney or for any other cause whatever, they only want to object to the incompetence and irrelevancy of the testimony, with the privilege of cross-examining upon any testimony given by the witness.

COM'R BRECKINRIDGE:

Q You still refuse having the consent of the attorneys in the case to make answer? A I will just ask your Honor to let the matter go over until morning.

Commissioner Breckinridge: It will rest until in the morning at its present status: it is after business hours now.

As for the objection made by Captain McKennon, Counsel for the applicant, it will be taken into consideration, but will not be granted at the present.

(The Commission adjourns until 1:30 P. M. to-morrow afternoon, March 13, 1900.)

Supl.-C. D. #324.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
FRANCIS H. DAWSON ET AL., as citizens of the Cherokee Nation:

Appearances:

Mr. A. S. McKennon, of Counsel for applicants.
Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

SAMUEL H. BENGE, being duly sworn, testified as follows
on part of the Cherokee Nation:
W. T. HUTCHINGS:

Q State your name? A Samuel H. Benge.

Q Where do you reside? A Fort Gibson.

Q How old are you? A I am 70 years old, going in 71.

Q Are you a citizen of the Cherokee Nation? A Yes, sir; Cherokee
by blood.

Q State what official position you have held in the Cherokee Nation
and what your general connection with the Nation officially in the
last 40 years? A Well, I had several; I have been Sheriff,
Councilman, Senator, Delegate to Washington; had a hand in making
the treaty of 1866, I am the only one living that signed that treaty;
President of the National Council of different tribes of Indians.

Q Were you acquainted with F. H. Dawson, commonly called Bud
Dawson? A Yes, sir; I know him.

Q State your connection with and what you know about his citizenship
case before what is known as the Thomas Tehee Citizenship Court?

A Mr. Dawson came down, I was living down below here, he came and
employed me to tend to his case and we went to Tahlequah, I believe
if I ain't mistaken in 1901 and filed his case there; we went
several times and continued his case on for the want of evidence,
and finally while we was up there we run across one old darkey by
the name of Tosh Rogers; we got his testimony and after we got
that testimony we concluded that it was sufficient to go into the
trial with. Tosh lived here at Fort Gibson, he was a horse trainer
down here and stayed here; he claimed that he knew the Rogers and
belonged to one of them and after that we thought we had sufficient
evidence we submitted our case to the court for trial, and the court
went to work and rendered a decision against Mr. Dawson.

I told Mr. Dawson right there that "our case is dough", just made
that remark, and he just made the remark "never mind", and next
morning they taken up his case again and they rendered a decision in
his favor. I filed no motion nor any evidence at all whatever; I
give the case up right there and the decision was then given in his
favor, and on our way back from Tahlequah, why we got to talking
about the case and I told him: "it was a pretty hard blow when they
rendered that decision against us." He said: "yes, but Duncan was
the man to reach", but he reached him with five hundred dollars.

Q What position did Duncan occupy? A He was Clerk of the Court.

Q Duncan an educated man or? Yes, sir; he was an educated man.

Q Who were the members of the court? A Tom Tehee, Alex Wolfe and
John Thompson.

Q How many of these could speak English at all? A One.

Q Which one? A Thompson.

Q Who was the Attorney that represented the Nation in those cases?

A T. J. Sanders.

Q What was his given name? A Wilson Sanders; was it Wilson Sanders?
A Wilson Sanders.

Q Was he an educated man, or could speak English well? A No, sir.

Q Did Mr. Dawson say anything about the matters having cost him a good deal of money? A He said it had cost him a right smart.

Q Was any remark made on the way back about the opening up of the case, and if so, what? A He asked me if I thought the case was ever investigated eventually and I told him I didn't know.

MR. McKENNON:

Q Were you ever a witness in the Dawson case, Judge, in any of those investigations that have been made since that time? A I don't know that you might call it a witness; that young man come to me once at Tahlequah, and asked me to help him up there that the case was going against him, him and his mother and all was about knocked out and I interceded and done what I could there before the committee. I was not a witness but that is what I don't for him.

Q That was Mr. Graham, wasn't it? A Yes, sir.

Q Have you had conversations with Mr. Graham since that time about it? A Now, I might, I don't recollect, I might have had conversations with him.

Q Well, after the Daves Commission began taking a census of the Cherokees and when they were about Sallisaw down here, did you have a conversation with him here in Fort Gibson about the matter?

A Now, I just can't tell you; I have seen him on several occasions, but the conversations we might have had I can't state.

Q To refresh your memory I will ask you if he did not tell you that they were making a fight on the Dawson family and he wanted to know of you whether that judgment in favor of Robert Dawson's family was fairly rendered, and did you not then tell him that it was all right, that it was fairly obtained? A Not as I recollect of; all he said; that is as I have stated he talked to me in regard to his father, himself and probably his brothers and sisters, I don't recollect how many there were, but he told me they were rejected, that is just the words he used.

Q Where? A It has been sometime ago.

Q Where in Fort Gibson? A Well, that is I saw him here in Fort Gibson, and then I saw him in Tahlequah.

Q Well, did you here in Fort Gibson ask you particularly about the Robert Dawson judgment, as to whether it was fairly obtained or not?

A No, sir; he was basing his claim on the Dawson case, that is the way he-

Q What is the principal Dawson family? A Yes.

Q When was this other written statement here made, when was this made by you? (referring to affidavit heretofore referred to.)

A Yesterday I reckon.

Q To come to take this? A Mr. Starr.

Q Who else was present when this was taken? A No, sir.

Q Then had you told about this matter, Judge? A No one as I know of.

Q Do you know how it was that they knew that you knew this?

A No, sir.

Q You never made any statement? A Never made any statement that I recollect of except I might have talked with Scales, he and him

talked about these cases a good many times; if I ever made a statement it was to Joe Ab Scales.

Q How did Mr. Starr know? A I could not tell you how Mr. Starr

know.

- Q He came alone here as a Notary Public? A He came alone here as a Notary Public. All he said when he come, he says "we understand that you know something in regard to these cases", I said "what case," and he went to work and named Shoemaker case and Dawson case.
- Q And thereupon you made this statement? A He said he wanted to qualify me.
- Q Are you certain Judge that after the rendition of that judgment Mr. Dawson came back here to Fort Gibson with you?
- A Yes, sir; we was together.
- Q Let me ask you if it was not a very cold day when he came here and he went over ahead of you and you went over to Tahlequah the next day or two after he left? A My recollection was he and I went together.
- Q And returned here together? A Yes, sir.
- Q Did he not leave you there and go back direct to Arkansas?
- A No, sir, we came here together. If my memory serves me right, I might be mistaken but then I don't believe I am, he came from Hobbs Falls up here to my house, that is according to his statement.
- Q What amount of fee did they pay you? A I don't know as that is in connection with the case whatever the money they paid me.
- Q How did they pay you? A Paid me the money.
- Q Who paid it to you? A Dawson there and that fellow, young fellow paid me some.
- Q Mr. Graham? A Yes.
- Q At the same time? A Oh, no, he wanted me to intercede for him at Tahlequah and paid me to do something for him which I did.
- Q I will ask you if Mr. F. M. Dawson here did not obtain two copies of the judgment one of which you sent in a letter in which you wrote to his brother living in Texas and that brother in Texas, the one they called Buck, didn't send you \$50 that they paid you? A No, if I ever got a letter of Buck whatever you might call him, I don't recollect it and if I ever got a nickel from him I don't recollect it. Old man paid me what money I got from it. I don't know nothing about his brothers; he told me he had an uncle living over in Arkansas, but not living down in Texas, I don't know about it.
- Q Where did he pay you the money? A Paid it here at home.
- Q Before you went out? A He paid me fifty dollars before we went up and when we went up yonder he paid me fifty dollars more; if you want to know what I got, I got one hundred dollars.
- Q You were acting as his attorney in the case? A Yes, sir.
- Q How many judges were there present when the judgment was rendered?
- A In his case?
- Q Yes, sir. A Well, according to my recollect there was all there, but if they were not all there, Tom Thompson was sick. Tabor and Wolfe.
- Q Don't you remember that they were all present? A No, I think they were present though.
- Q Who else was present at the time? A Oh, I could not tell you, there were several people in the house; could not tell you at all.
- Q Were there several in the house the evening before the judgment was rendered against them as you say? A Yes, there were several in the house.
- Q And several in the house when the judgment was rendered the next day? A I don't know how many there was.
- Q Do you remember the names of any of them? A Why not exactly, mostly full bloods.
- Q How long did you remain out at Tahlequah on that trip?
- A I guess I was there about three days.

Q Tending to this case alone, or did you have other cases? A no, sir.

Q Do you know of your own knowledge that the judges received any money (this question asked at the instance of Mr. Graham present)

A I don't know whether the judges received nay or not.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

March 18, 1902. Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of counsel for applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. H. TAYLOR takes the stand and continues his testimony.

BY MR. HUTCHINGS:

Q Mr. Taylor, you said you would consider the matter yesterday and let us know whether you would answer those questions today: have you decided what you would do about the matter? A Well, it is like this, of course I don't want to be held as in contempt of the Court.

Q You would be held in contempt and the other Court would make you answer? A That being the case of course I would make a statement.

Q Are you acquainted with E. W. C. Duncan, the Clerk of what is known as the Tehee Citizenship Commission Court? A Yes, sir.

Q Did you ever have any conversation with him about letting him know of the different character of cases that would come up before the Court that you knew of, whether they were good ones or bad ones? A No, the only thing that ever came up in that respect; he asked me if whatever large cases that would come up before the Court to let him know.

Q Did you have any talk with him about the Dawson case during the progress of its trial or before and ever introduced Mr. F. M. Dawson to him, or carry him to him? A I spoke to him when Mr. Dawson came to Tahlequah to see about his case, and he said that he would take the papers over to his room, the Dawson papers.

Q Did you see him again that night? A Yes, sir; after supper I went down to his room.

Q Did he ask you about the Dawsons or Dawson case? A He asked me where Dawson was.

Q Which Dawson are you referring to now, F. M. Dawson, known as Bud Dawson? A Bud Dawson.

Q Well, what did you reply to him? A I told him that I thought he had gone to church.

Q Did you find Dawson after church? A Yes, sir, he told me to come and bring Dawson down and I did so; Dawson was in church.

Q You carried Dawson to him? A Yes, sir.

- Q Did you remain during the conversation? A Only a minute.
- Q What was said if naything while you were present? A Mr. Duncan spoke to Mr. Dawson and says "there is a hitch in your evidence."
- Q Go ahead and state what else he said? A He said "if that was straightened out it would be all right," and I turned and went away, I says, "gentlemen, I will go home."
- Q Did you know of their having any other conversation or communication after that? A No, sir.
- Q You left them there together yourself? A Yes, sir.
- Q Did Mr. Dawson give you any directions the next morning about submitting the case? A Yes, sir, he asked me to call it up the case.
- Q The next morning? A Yes, sir.
- Q Had there been any additional evidence offered? A No, sir; there was not additional testimony offered.
- Q He told you the next morning to call up the case? A Yes, sir.
- Q Was it called up and submitted the next morning? A Yes, sir.
- Q Now, how many of the members of the Court were there present that morning? A There were only two, two full-blood Indians.
- Q Could they speak english at all? A Teheo could talk a little, talk some.
- Q Did that Court have open sessions all the time or what is called executive sessions sometimes? A Well, I don't remember about that; it was generally when the case was submitted the attorneys would go out. The parties would go out and they would determine the case.
- Q Well, did they go out into that sort of executive session the next morning on the Dawson case? A Well, we went out when the case was submitted.
- Q And was the decision rendered that morning in their favor?
- A Yes, sir.
- Q Who notified you of the decision of the Court? A Why, Mr. Dawson.
- Q Do you remember whether he went out with you or was in there during the consideration of the case? A I think he went out with me.
- Q Did you at any time thereafter receive any money, checks or other evidence money from Mr. Dawson with direction to turn it in part over to D. W. C. Duncan, the Clerk of that Court? A Mr. Dawson gave me 20 dollars and said he would send the balance in a short time, said he would send some more money in a short time.
- Q Well, did he send any money afterwards? A Yes, sir, in the course of ten days or two weeks he send a hundred dollar check, draft.
- Q What did he direct you to do with it? A He directed me to give D. W. C. Duncan half of it.
- Q Did you give him half of it? A Yes, sir.
- Q Did he send you any at any other time after that? A Well, in the course of a couple of weeks he sent me a hundred dollars more.
- Q Did he direct you to turn any of that and if so how much, to D. W. C. Duncan? A He told me to give him half of it.
- Q Did you give him half of it? A I did, sir.
- Q Do you remember whether on Dr. Arthur Baker was the principal witness in behalf of the Dawson case? A No, sir, I don't because I never had any connection with the case, but I heard that he was a witness in the case.
- Q No argument was made when you submitted the case? A No, sir.
- Q Just submitted it on the testimony? A Yes, sir.
- MR. McKENNON:**
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q Were you born and reared in the Cherokee Nation? A No, sir: I was born in the old Nation.

- Q When did you come to the Cherokee Nation? A Come here in 1889.
- Q How long have you been practicing law in the Cherokee Nation?
- A I think since '88.
- Q You have done a great deal of citizenship business haven't you?
- A Yes, sir.
- Q You were in the United States Court at Fort Smith on charges in regard to the citizenship business? A Yes, sir.
- Q Were you convicted there? A Yes, sir; I was convicted there on this very case.
- Q And served a term of what length? A I was sent to the jail hospital for sixty days and I stayed in about 38 or 39 days, and I was released.
- Q Then was that? A I don't remember how long ago it has been.
- Q You say it was in regard to this case? A Yes, sir; this case was the bone of contention; Clem Rogers and the Chief, they are the ones that had me arrested, carried to Fort Smith.
- Q Well, now, were you charged with an offense against the law in this case, or was it in regard to some other case? A Well, it was in regard to using the rail for fraudulent purposes.
- Q Sending out propositions and obtaining case for citizenship for people in the Cherokee Nation? A No, sir, it was for answering correspondence.
- Q Not relating to this case at all? A Well, this was the main charge, Clem Rogers went before the Court there and stated that I had got in at least three hundred Dawsons, that they were white people and not entitled to citizenship and that was the main trouble.
- Q Well, now, was the charge based upon that or was it based upon your letters you sent out to other people? A That was the charge for using the rail for fraudulent purposes.
- Q The use of the mails for fraudulent purposes not in connection of this case was it? A Not particular of this case.
- Q Then the trouble you had was the prejudice of Clem Rogers and others caused by your connection with the Dawson case; that is what you mean to say? A Yes, sir.
- Q Why did you say because you were charged with an offense based upon this case? A Well, the prejudice grew out of this case.
- Q Now, then, you had full conversation with the representatives of the Cherokee Nation as to your testimony in this case, did you not before you came on the stand? A Yes, sir.
- Q You had told them of these particulars before you came on the witness stand did you not? A Yes, sir.
- Q Yet when you came on the stand you assumed to have conscientious scruples as to answering as to matters which occurred between you and your client, Bud Dawson, in relation to this matter and declined to answer claiming your privilege as an attorney did you not? A Yes, sir; I didn't want to make a statement at all in the matter.
- Q You had voluntarily made a statement to the representatives of the Cherokee Nation? A Yes, sir; I had stated to Mr. Hastings; he cautioned me and I come down here and I didn't want to make a statement to him but he insisted.
- Q He had no power to compel you to make a statement? A No, sir.
- Q You could then make it very freely and your conscience did not hurt you, but when you came on the stand you were very conscientious about it? A I didn't want to make a statement at all unless I would be put in jail here if I didn't.
- Q But you had armed them with information by which they could ask you these questions when you came on the stand? A I had told Mr. Hastings.

Q You knew when you gave him that information that you would be brought on the stand as a witness, did you not, by reason of that?
A No, I didn't know that I would be compelled to make a statement in the matter, a sworn statement.

Q You thought you would not be compelled to answer?

A I didn't think the law would compel me to make a statement.

Q Why then did you make a statement to him about it? A Oh, he was asking me about it, and I told him what I didn't want to make a statement and I didn't for quite a while after I came down here.

Q When the enrollment division of the Dawes Commission was in Tahlequah in the winter of 1900, did you not there meet F. M. Dawson and did you not then and there say to him that you told Shoemaker I would be for him if he would employ me in his case and if he didn't I would be against him, and the same to you? A No, sir; I said to him this, I said that if there is not something done that I will likely be summoned against you and Mr. Shoemaker both.

Q What did you mean by that? A Well, I just meant this, I just left the matter with him to say what he wanted to do in the matter; I only spoke a word or two about it. I was going out of town just as he came in.

Q When you told him if something was not done you would be summoned as a witness against him; what did you mean by that? A Well, I just meant that the chances were that the Nation would summon me against him.

Q What did you mean by the expression "if there was not something done" that you would be summoned as a witness?

A Well, I meant this, if I was re-employed in the matter if he was to have a case and I was re-employed I would not be required.

Q You could be required to make a statement as to declarations made to you by your client to you in one instance, but if a little more money was put up you could not be required to make a statement; is that what you mean? A I didn't think I could be forced to make a statement at all in the matter.

Q Why did you make that expression to him "if something wasn't done you might be summoned as a witness" if you believed you could not be made to make a statement? A I meant if I was employed in the case.

Q If he would put up you would not testify? A That they could not force me to testify.

Q About the month of February, 1901, in the town of Wagoner, Indian Territory, did you not send your son to get Graham to come to the hotel at night, and did you not then and there say to Gid Graham; "you people are on the doubtful list and if you will give me \$500. I will make it all right and see that you are enrolled and if you don't I will see that you don't get over"? A No, sir; I got a letter from Gid Graham in which he asked me to certify that the case was all right and after I got him I told him that I could not do it, that the case was crooked. He then said to me, he says, "I will give you a hundred dollars," he says "will you take a hundred dollars," I said "no, sir." I didn't make any bid, that is I didn't set no price with him.

Q You did not say to him then what I have embraced in that question there? A No, sir.

Q You did have a conversation with him about that time and at that place, did you not? A Yes, sir.

Q You say you didn't make any bid or set any price? A No, sir; he offered me a hundred dollars.

Q Why did you send for him to come to the hotel? A In answer to his letter.

A Did you not yesterday morning on the street in Muskogee, Indian Territory, in a conversation with W. H. Shoemaker say to him: "You have made a great mistake in not keeping in your employment and so have the Dawsons and it will go hard with you and you will see it?" No, sir; I says to Mr. Shoemaker, I says: "who have you employed in your case," and he says "Judge Thomas and Mr. Owen." I said "It might have been a advantage to you if you had retained me in your rather;" Well, he says "there was nothing wrong in my case" and I says "no, there is nothing wrong on earth in your case that I know of." He said all he wanted was justice and I said "I don't know a thing on earth against you," and I says "there is not a thing on earth wrong in your case as I know it came up fairly and squarely and decided in your favor."

Q You said nothing to him about the Dawson case? A Yes, I said to him "it might have been well if the Dawsons had retained me in their case." I said "I am summoned on the part of the Nation and I don't want to make a statement and I wont if I can possible avoid it."

Q Was that before or after you talked with Mr. Hastings, the representative of the Nation? A It was afterwards.

Q You meant by that if you had refused to answer you would have gone to jail? A No, sir; if they had employed me before hand I mean not now.

Q You mean that if they had employed you before hand you would not have given this information to Mr. Hastings? A I would not be required, being the attorney.

Q Were you required to give him the information; did you know that you had to give him any information? A Who do you mean.

Q Mr. Hastings. A I did refuse him and he insisted.

Q Well, he no authority to compel you to do it? A No, sir; I don't know whether he did or not.

Q As a lawyer you know that he did not have authority to compel you to make a statement to him? A I told him that I was an attorney in the case and I didn't want to make any statement at all.

Q Why did you do it? A Well, he intimated to me it would go any further. He said to me "I will not make this matter — I will not use it;" that is, what I stated to him was part in confidence.

Q And he pledged you his word that it would not be used? A Well, told him I could make a statement in confidence, and that I didn't want to make a statement before the Court.

Q Well, what did he reply, as you said just now? A Oh, he says to the statement; and then I told him—I regretted very much to do it, and I regret very much to make a statement here. I tried to avoid it yesterday.

Q You stated just now that he said it would not be used; did he say that or not? A Well, something to that amount; oh, he says it wont make any difference or so ething to that effect.

Q Now, don't you know that Mr. Hastings did not intimate to you that the statement he was asking you to make would not be used?

A Well, I didn't think that I could be forced to make a qualified statement before the Court here, because I thought my licence would protect me in that matter.

Q Yet it did not protect you or prevent you from making a statement to the attorneys for the Nation? A No, sir.

Q Now, in this conversation with Shoemaker to which I before referred did you not ask him to again employ you and tell him if he would you would make it all right for him? A No, sir; I didn't say that; no, I said if he had employed me in the matter "maybe it would have been better for you." Now, he offered me when I was down here last week, he offered me five dollars to go down and talk with his lawyers on the matter, I didn't go I was busy.

Q That was not your price? A No, no, I had nothing to say in his case that would be to his advantage; I know nothing against him.

Q Now, then, you say that your were present on the morning that the judgment was rendered in favor of the Dawsons? A I was not in the Court house.

Q You were present in Tahlequah? A Yes, sir.

Q How long had you been at Tahlequah? A I was living there at that time.

Q When were you first employed by them? A By Dawsons?

Q Yes, sir. A The evening before the case was tried.

Q You say that after the judgment was rendered Dawson handed you \$20? A Yes, sir.

Q And told you to hand to Duncan? A No, sir.

Q What was your statement? A That he paid me \$20 and says "I will send you some more in a short time, week or so."

Q And then he sent you \$100? A Yes, sir.

Q And wrote you to give D. W. C. Duncan \$50 of it? A Yes, sir.

Q And then sent you another \$100 and told you to give him half of it? A Yes, sir.

Q How much did they pay you? A Well, that was the agreement, was that he would pay me \$50 a family.

Q How much did he pay you? A I think there was \$250; now I am not sure about the \$50, but it appears to me like there was a \$50 sent, and Mr. Duncan asked me, as well as I remember, says "Have you got a letter from Dawson," I told him "yes, sir." It was either that or the \$100, and he says "I would like to have some money", and I went to Starler's and got it changed-- I won't be sure about it being \$50 or \$100--I went to Starler's and got him to cash the check and give him his part of it.

Q How much did they pay you for your services? A That is all I got.

Q How much? A I think it was \$100, \$120.

Q What did you do for them? A Didn't do a thing only called up the case and submitted it; never read the evidence.

Q Submitted it without remarks? A Yes, sir.

Q And for that you say they paid you \$120? A Yes, sir; \$120.

Q Was Houston Benge present when that was one? A No, sir; I don't think he was.

Q Did you see him then at that time in Tahlequah? A I don't remember.

Q Were you associated with him in any manner in connection with the case? A No, sir.

Q You had a great deal of business of that character, have you before the Courts? A Yes, sir.

Q Were you paid like fees in other cases for like services?

A Yes, sir.

Q In many of them? A Yes, sir, good many.

Q All like cases? A Oh, citizenship cases.

Q When was it you were in jail at Fort Smith? A I don't remember; Mr. Bellette can remember, he was there, he was my attorney.

Q Was it about 1883? A It was somewhere along there, along in 1890 somewhere.

Q That has been your principal business as a lawyer, has it not?

A Yes, sir.

Q You have never practiced much in any other way, have you? A Very little.

Q Were you in the habit of working your cases through in the same manner in which you state you worked this through? A No, sir.

Q This was an exception was it? A I never worked this case through. I simply called the case up by request of Mr. Dawson. I read the evidence; don't know what proof there was in it; he just asked me to call the case up.

Q And he agreed to pay you \$80 a family for doing that? A Yes, sir.

Q Was that what you required of him? A That is what he agreed to pay. I says "what will you give?" He says "I will give you \$80 a family."

MR. HUTCHINGS:

Q At the same time that the attorney for the Nation was talking to you about the Dawson case he also made inquiries about the Shoemaker case didn't he? A Yes, sir.

Q And you told him at that time before you knew anything about whether you would be made or compelled to testify that so far as you knew there was nothing you knew detrimental to the Shoemaker case? A Yes, sir; that is what I said.

Q You told him at the same time that you not only expected to claim your privilege as an attorney in the case, but that you told him, Mr. Hastings, with the full belief that the Court would sustain your position? A Yes, sir.

Mr. McKennon: That is very leading.

Q Now, did you think that the re-employment, being the attorney in the pending case would strengthen your position or weaken it, when you spoke to Mr. Dawson? A What I thought in the matter was before ever I would be summoned in the matter, a long time ago, that if I had been employed in the matter of course my position would have been such that I would not have been required or could not have been forced.

Q Did you think under those circumstances that Mr. Hastings would approach you about the subject? A No, sir; I don't think I would be forced to, having license to practice law.

Q Did Mr. Hastings tell you at the time that he was going to put you on the stand? A Yes, sir.

Q And let the Court decide? A Yes, sir.

MR. MCKENNON:

Q Now, have you a license to practice in the United States Courts? A Yes, sir.

Q In the Territory? A Yes, sir.

Q And also in the Indian Courts? A Yes, sir; do you want to see them?

JAMES W. LEWIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name please? A J. W. Lewis.

Q James W. Lewis? A Yes, sir.

Q Where is your postoffice, Mr. Lewis? A Afton.

Q How old are you? A 73 years old.

Q What is your business? A I work at the tin business and gun work.

Q Do you know one James Dawson, the brother of P. M. Dawson and the other Dawsons? A I know old man James Dawson.

Q That is the one I mean, old man James Dawson? A Yes, sir; I know him.

Q How long have you known him? A Well, some four or five years, I guess.

Q How long? A Four or five years I think.

Q When did you come to the country? A I have been in the country 70 odd years.

Q Well, when did he come to the country, do you know? A Along about somewhere in eighty if I recollect right, might have been later than that.

Q How did you happen to get acquainted with? A He lived right close by me and I built a house for him.

Q Did you have any conversation with him at the time you built that house? A Yes, several different times.

Q About how he became a citizen of the Cherokee Nation, about the circumstances? A Yes, sir.

Q Did he make any statement to you about the use of money in getting his citizenship, and if so, state what he said?

A Well, he told me that it cost him \$700 to get his rights.

Q Didn't tell you to whom he paid it? A No, he didn't and I didn't ask any questions.

L.R. MCKENNON:

Q How old was he at that time, do you know? A I do not know exactly, must have been somewhere near about 70 years old, he might have been older than that, I don't know.

Q He was a very old and feeble man? A Yes, he was old and feeble.

Q He seldom ever got out away from his house? A No, sir, only short distance.

Q When you first knew him he was that kind of man? A Yes, sir.

J. L. CLINKENBEARD, being duly sworn, testified as follows on part of the Cherokee Nation:

L.R. HUTCHINGS:

Q State your name? A J. L. Clinkenbeard.

Q What is your post office address? A Vinita.

Q How old are you? A 56.

Q Were you ever an applicant for citizenship before the Teehee citizenship Court in Tahlequah? A Yes, sir.

Q About what time was that? A September '81, I think.

Q Did you meet there about that time, one Elbert or Buck Dawson?

A Yes, sir.

Q How did you happen to meet him? A He and I stopped at the same place, man's by the name of Sharrow.

Q You and he stopped there, did you, board there? A Yes, sir.

Q Well, did you have any talk about citizenship cases, yours and his? A

A Yes, sir.

Q Where did he state that he was from? A Texas.

Q Well, state what you can remember of the conversation between you from time to time about citizenship in the Cherokee Nation?

A Well, we were there on the same business and we talked about it at different times, all in talking about the evidence we had there I, of course, told him how many witnesses I had and what I could prove and so on, and he said that he didn't have but one witness, Dr. Baker from Arkansas, a man that was 35 or 40 years old, he said, and he hadn't come and said he was to have met him there, but he hadn't come.

Q Well, what did he say about the doctor's knowing anything?

A Well, he said he was 35 or 40 years old and didn't know straight up.

Q Well, did he say anything about giving him whisky?

A Well, he said he could give him four drinks of Arkansas whiskey and he would swear that black was white.

Q Did he say anything about what money would do in Texas or Indian Territory? A Well, in talking about the evidence, he said that money was what made the cars go down in Texas and he said "I come to get the lay of the land" and he says "I found out it goes here," or words to that effect.

Q Did he say what he had to spend on the question? A Well, he said that he could stand a thousand dollars on it and not be hurt very much; finally he said he could stand more than that.

Q What did he tell you what he thought about the necessity of witnesses anyhow? A Well, I don't know as he said as to that, but I understood from what he said that he thought money would beat witnesses.

Q Well, where did he go from there? A He and I left there together; he rode to Muskogee by way of Fort Gibson and there we parted.

Q Did you ever see him after that? A I saw him about two years or something like that afterwards.

Q Where? A Vinita.

Q Did you refer to the citizenship matter? A I asked him how he came out and he said all right.

Q Was he deferred in any way this ran? A He had a crippled hand or stiff finger; I don't remember just what it was now.

MR. HOKKENHON:

Q Your first conversation with him was in '01 was it? A Yes, sir.

Q What time in '01? A September.

Q You were then an applicant for citizenship? A Yes, sir.

Q Were you additional? A No, sir.

Q You are still an applicant? A No, sir.

Q You are still working to get in as a citizen of the Cherokee Nation? A No, sir; haven't quit it entirely.

Q What business are you in now? A I am running a dairy in Vinita.

Q When did you make these statements now to the representative of the Cherokee Nation? A Well, sir, I haven't; I saw Mr. Hastings I believe here last Saturday the first time.

Q How did they ever know that you had had these conversations with Mr. Dawson? A I don't know.

Q You don't know how they found that out? A No, sir.

Q You say you saw Mr. Hastings here last Saturday? A Yes, sir.

Q Now, did you approach him or did he approach you? A He approached me.

Q You know why? A No, sir; I suppose somebody I have told someone at some time about this, I don't know when or who. I don't remember of having talked to anyone about it. I have seen Mr. Hastings for years.

Q Now, you say—how was that expression about his giving Dr. Baker three or four drinks of liquor? A He said the old man; he said that Dr. Baker, he was expecting him there and he didn't come, and he said he didn't care where he did or not; he said he was 85 or 90 years old; he said he didn't know straiten up; said he could give him three or four drinks of Arkansas whiskey and he would not know black or white.

Q Now, he said that did he? A Yes, sir.

Q You are just as positive of that as you are of any other statement he made are you? A Yes, sir.

Q You say you next saw Dawson at Vinita? A Yes, sir.

Q How long afterwards was that? A About two years, I think something near that.

Q Did he move to the Territory? A Yes, sir; he lived at Vinita at one time.

Q You speak about having a dairy business there at Vinita, to what extent? A I am only milking about four cows now, I sent the others to the country.

Q Do you run a dairy wagon there? A No, sir.

Q You serve on the jury a good deal? A I have been serving on the Petit jury there this winter.

Q Generally? No, sir.

Q Are you a kind of a professional juror? A No, sir; I was on the regular petit jury, I was on the regular panel and served.

C. G. BRAUGHT, being duly sworn, testified as follows on part of the Herpkee Nation:

MR. HUTCHINGS:

Q State your name? A C. G. Braught.

Q What is your age? A 62 29th day of last January.

Q What is your post office? A Fairland.

Q How long have you been living in the neighborhood of Fairland?

A Been living there 19 years.

Q Do you know one Bud Dawson or F. H. Dawson as his name is?

A I do.

Q How long have you known him? A About 18 years.

Q How close do you live from him? A Half a mile of him.

Q Does he still own that place? A I think he does.

Q Were you an applicant for citizenship along about '81 or '2 at Tahlequah? A Yes, sir.

Q Did you have at any time a conversation with Bud Dawson about his and your citizenship cases? A Yes, sir.

Q State what he stated to you of citizenship cases in general and about his own in particular, you can state the time that you had these conversations as near as you can? A Well, I think it was in '83, he told me if I ever got in I would have to put up; he said it cost him \$700 to get in; he said he paid one witness three hundred dollars.

Q Did he state the name of that witness? A No, he did not.

Q Whom did he say he made arrangements with? A He said he made arrangements with the Court; that is, heads of families to get them in at one hundred dollars apiece.

Q Do you know what time of the year that was, whether it was in the summer or not? A I think it was in June.

Q Did he make any other statements to you at any other time?

A No, sir, I don't think he has in regards to that matter.

Q You have been living neighbors with him? A Yes, sir.

MR. MCKENNON:

Q You say this was about June of '83? A I think it was in June, 1883, I won't be positive whether it was June or not.

Q You were an applicant; were you admitted? A No, sir.

Q Have you been admitted? A No, sir.

Q You are still an applicant? A Yes, sir.

Q Still trying to get in? A Yes, sir.

Q Where was this conversation had? A Had at Bud Dawson's house.

Q What part of the premises? that is, in his residence?

A Yes, sir.

Q In the house? A Yes, sir.

Q Who was present? A There wasn't anybody present; he just built the house and there wasn't anybody there.

Q Was there more than one room? A I won't be positive but I don't think there was but one room, log house.

Q Just one room? A Yes, sir.

Q And in that room he made this statement to you? A Yes, sir.
Q He and you are enemies are you not? A No, I don't think we are enemies.
Q You are not friendly at all? A Friendly part of the time, and part of the time we ain't.
Q Haven't you had considerable trouble about the lands between your farms? A No, sir; we ain't had any trouble.
Q Didn't you have his little boy arrested recently for a difficulty? A Yes, sir.
Q And you say that you are not on bad terms with him? A Why we speak, have conversation, have right right along all the time.
Q Is it not a fact now that you and he have been all the while at outs? A No, sir.
Q You don't have any unkind feeling towards him? A No, sir.
Q What were your other remarks? A I said no, sir, I didn't have any unkind feeling towards him.

(It being 5 o'clock, the Commission adjourns until 3:30 o'clock to-morrow morning.)

March 19, 1902.

Commission convened pursuant to adjournment.

Appearances:

Mr. A. S. McKennon, of Counsel for Applicants.

Mr. W. T. Hutchings, of Counsel for Cherokee Nation.

C. G. BRAUGH, re-called, further testified:

MR. MCKENNON:

Q Mr. Braught, you were a claimant under the Watts family are you not? A Yes, sir.
(witness excused.)

CHARLES D. KENNEY, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Charles D. Kenney.
Q What is your post office? A Dawson now.
Q Are you a citizen of the Cherokee Nation? A Yes, sir; supposed to be.
Q Recognized as such are you? A Yes, sir.
Q How old are you? A There is no family record, my parents died when I was young, I just guess at my age, I am somewhere between 44 and 45 years old.
Q Were you personally acquainted with one Elbert or Buck Dawson?
A I knew Buck Dawson when I saw him.
Q Did you know him in the state of Texas, if so state what time?
A I knew Buck Dawson, knew him and saw him at different dates in Texas.
Q Well, in the year '81 in Clay County, Texas, did you ever see him?
A It was in '81 or '82, I think I knew him in both years.
Q Did you ever have any conversation with him in the presence of Bill Smith, Jiles Flippin and Joe Pleston about his application for citizenship in the Cherokee Nation? A Mr. Dawson and Flippin were talking in regard to grass down there before me one time and

it was mentioned, I was going up on the strip and Buck Dawson says "he an Indian" and Jiles said "yes, he is an Indian", and "By God," I believe is the way he spoke, "if I was an Indian I would not be punching cattle, I would have stock eating my grass."

Q What did he say about making application? A He said he was going to the Chickasaw Nation and prove up and get him some grass.

Q Who was that? A Buck Dawson.

Q Well, did anybody suggest about his going to the Cherokee Nation?

A Yes, sir, I told him, I says "why don't you go to the Cherokee Nation, why don't you go up home" I believe is the way I spoke it, "up amongst God's people;" and he says "are they all white like you?" and Jiles spoke up and says "majority of them."

Q Well, what did he say to Jiles then? A He says "let's go up Jiles", just in a whole crowd of cow punchers, and Mr. Flipin says "Hell, I am going; brother John is getting ready to go now."

Q Well, then what did he say to you? A He says "Who are your best lawyers up there, Kenney," and I told him "Hookey Bell was counted the brainiest man in our country."

Q Well, do you know whether he claimed to have any Indian blood or what he was claiming in that country, whether white man or Indian?

A No, sir, I could not say what he was; he was generally known down there as Buck Dawson, a citizen of the State of Texas, that is all I know of him.

Mr. McKennon: The applicants object to all of the testimony of this witness because it is wholly incompetent and irrelevant.

Mr. McKennon:

Q Were you born and reared in the Cherokee Nation? A I can't tell you where I was born; I was raised here part of the time and in Ross County, Texas. B. W. Alberty was my guardian.

Q Were you admitted to citizenship by the Council or Court? A I think both of them passed on me; I can't tell you the date.

Q About what time? A It was sometime in '80 though.

Q What tribunal first? A I don't know; I don't know either when I was admitted, I was re-instated at Council.

Q When? A I think it was in '87 or '88.

Q Haven't you been arrested for crime and charged with crime?

A Well, I didn't know that I was on trial; I have been arrested a hundred times I guess from here to the Rio Grande.

Q For what offense? A For gambling, stealing; if I am on trial I have had lots of them, I have been on the road.

MR. HASTINGS, of Counsel for Cherokee Nation:

Q Were you ever convicted? A No, sir.

Mr. McKennon: Applicant makes further objection to the testimony of this witness on account of his criminal character stated by him.

THOMAS B. BABEART, being duly sworn, testified as follows on part of the Cherokee Nation:

LP. HUTCHINGS:

Q State your name, please? A Thomas B. Babeart.

Q What is your post office? A Melvin.

Q What is your age? A 49.

Q Are you a Cherokee by blood? A Yes, sir.

Q Did you know one James Dawson? A Well, yes; I did; I have seen him time or two.

Q Were you in Tahlequah about the time he had an application before the Spears or Snake Puppy Citizenship Court? A Yes, sir; I was there about the time the case was settled.

Q Did you know Aaron Butler? A Yes, sir.

Q Who was he? A He was a Cherokee Interpreter for the Court.

Q Do you know James Smith? A Yes, sir.

Q Who was he? A He was the Nation's attorney before the Court.

Q Well, did you about that time have a conversation with either Aaron Butler or Jim Smith in company with Mr. James Dawson? A Yes.

Q State the full particulars of it? A About that time this man Dawson and Butler come to me while they were all together, all three of them, and Butler come and called me off to one side, that was down at a colored church, it was after dark, and they called me off there and this man Dawson borrowed some money from me, he said he had to have it that night, his case was going to be submitted the next morning.

Q Well, did he say anything about whether he could get his case submitted if he had some more? A Well, from the language to me and Butler, he wanted this money; Smith had agreed to submit the case without further evidence in the matter.

Q Well, did you let him have the ten dollars? A Yes, sir.

Q Where did they go then? A They walked off up towards town.

Q Did they go together, those three? A Yes, sir.

MR. McKENNON:

Q Was that James Dawson, the leading applicant in that case?

A Yes, best of my recollection that was.

Q How old a man was he? A I don't know; I could not tell you; he looked, I don't know, he might have been—could not tell you just about how old he was.

Q Well, about how old was he, 25, 30 or 40? A Yes, he was older than that, from my judgment I guess he must have been 45 or 50 years old.

Q Is he living or dead? A I don't know.

Q Where have you been living? A I have been living down here near Tahlequah.

Q What was the man's name, Dawson's name? A Jim Dawson I think.

Q You are certain of that? A Yes, sir; I am pretty certain.

Q They came to you with Smith, the Prosecuting Attorney, and Butler, the Interpreter? A Yes, sir.

Q Dawson took you off to one side? A Butler took me to where Dawson was and introduced me to Dawson and vouched for Dawson being all right for the money.

Q When did you first make a statement of this matter to anybody?

A I guess—I don't remember when.

Q How long have you been in Muskogee this time?

A I have been here since, I was summoned here last Friday.

Q Did you ever make any statement to anybody about this before that time? A Yes, I talked to Butler about it.

Q When? A Oh, about, first I remember it has been about two years ago, and Butler was talking to me about it; it was at my house.

Q Were you born a citizen? A Yes, sir.

Q You weren't admitted to citizenship by the Courts or Council?

A No, sir.

Q You have been living in the Cherokee Nation all your life?

A Well, I was born and raised here; I haven't been here all the time; I have been out and in.

Q You have never seen that man Dawson since? A If I have I have never known it, but I seen him the next day.

Q You saw him and took a good look at him, and know about what kind of man he was? I saw him around there about several times.

Q You think he was about 35 or 40 years old? A That would be my guess at it, my recollection.

Mr. McKernon: Applicants object to the testimony of this witness, all of it, because it is wholly incompetent and irrelevant.

DELIA A. BREWER, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your full name? A My husband's name was O. P. Brewer, but generally I sign my name Mrs. D. A. Brewer.

Q What was your full maiden name? A Delia A. Vann; well it was really Delilah but I never was called by that name, it was De altogether in my young days.

Q What was your father's name? A His name was Joseph Vann.

Q Was he called by any nicknames and if so how many, and what?

A None but the Cherokees, the full-bloods called him Joe Aney.

Q What does that name mean when you talk English? A Rich Joe.

Q Did any of them call him Big Joe Vann? A I don't know; he was a large man; larger than the other Joe Vann.

Q There was another Joe Vann? A Yes, sir.

Q Did your father have any sisters and brothers? A He had quite a number of sisters.

Q Did he have a half sister? A Had two half brothers.

Q Did he have a half sister? A Had several half sisters.

Q Who did they marry? A Different persons; I knew the names of all of them but I have a bad memory, but I know that there was one, a Mrs. Ibbie Wolfe, and Mrs. Lamer, she was first a Mrs. Nicholson and she became a Mrs. Lamer and lived in Alabama and never come to this country, but she has grandchildren in this country.

Q Well, did any of your father's sisters or half sisters ever marry a Rogers? A No, sir.

Q Never had any Rogers kin-folks? A No, sir, I certainly would have heard of them through my family, there was a great many of the kin-folks I never saw, but I heard of them.

Q The Dawson case was talked on here for many years, they claiming kin?

A I never knew until I understood they claimed to be kin to the Vanns, and I flatter myself that my family was prominent enough that they never claimed kin.

Q They never claimed kin at all? A No, sir.

Q Did your father ever had a sister or half sister by the name of Annie, Anna or Alsey? A No, sir.

Mr. McKernon: Applicants object to all the testimony of this witness because it is incompetent and irrelevant.

SAMUEL TOLLIVER DAWSON, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HUTCHINGS:

Q State your name? A Samuel Tolliver Dawson.

Q What relation are you to the Dawsons? A Well, I am not acquainted with none of these Dawsons, I guess I am cousin, that is what he told me.

Q Who was your father? A Samuel Riley Dawson.

Q What did you say your father's name was? A Mile Dawson.

Q Do you know what his full name was? A Samuel Riley Dawson.

Q What children had your father? A Why, he has got, you mean his first children or his whole family?

Q I want all of his children? A I don't know, I will have to count a while on them, there was nine or ten of them.

Q Just one or two of them I care for; is Mrs. Lewis your sister?

A Yes, sir.

Q Your full sister? A Yes, sir.

Q Was she a daughter of S. R. Dawson, Jr.? A Yes, sir.

Q How was she the daughter of your father, Samuel Dawson?

A Why Sam Dawson was his father.

Q Sam Dawson was his father? A Yes, sir.

Q What was Sam Dawson's wife, if you know their family history, what your father said or what your grandfather said? A I have heard that she was a Pruitt, my father said; of course I don't know.

Q What was her given name? A Annie.

Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.

Q Saw him? A Yes, sir.

Q Do you know about how old he was when he died? A He was somewhere up about 90.

Q About how old were you when your grandfather died? A I don't remember exactly how old I was, I must have been somewhere near 12 years old when my grandfather died.

Q Was your father his youngest child? A Yes, sir.

Q Do you know about when your father was born? A Well, no, I don't, he died in '90 and he was 67 years old.

Q He died in about '90 and was about 67 years old when he died?

A Yes, sir.

Q And he was the youngest child? A Yes, sir.

Q Now, do you know how many children your grandfather had, that is brothers and sisters of your father? A I heard him say seven.

Q Well, did you ever hear your father or grandfather speak of whether or not your grandmother was a white woman or an Indian?

A Well, I heard my father speak about it, I don't know that I ever heard my grandmother say anything about it.

Q Well, what did he say about it? A I have heard him say his mother was not an Indian.

Q Did you father come here and apply once for citizenship?

A Yes, sir.

Q Was he admitted? A I think not.

Q Did you hear him make any statements about the ground he expected to get in? A He said his brothers had proved their rights here and if his brothers had any rights he did, but I don't know.

Q Well, in that connection didn't he say whether his mother was an Indian or white woman? A Never heard him say that his mother was a white woman in speaking about that, I don't know whether he said anything about that or not; I have heard him say his mother wasn't no Indian.

Mr. McKernon: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

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(Taking of testimony continued by stenographer M. D. Green)

I, J. O. Rossen, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rossen.

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(Continued from testimony taken by Steno. J. O. Rossen.)

March 15th, 1902, at Muskogee, I. T.

Appearances:

Mr. A. S. McKennon and Mr. Hellette, attorneys for the applicants.
Mr. W. T. Hutchings, and Mr. W. T. Hastings, attorneys for the Cherokee Nation.

ELISA BRASHIERS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

- Q State your name? A Elisa Brashiers.
Q What was your maiden name? A Elisa Dawson.
Q What was your father's name? A Samuel Riley Dawson.
Q What was his father's name? A Samuel.
Q What was your grandfather's name? A So far as you know from family history? A Her maiden name was Annie Priett.
Q Then your father, if I understand you, was the son of Samuel Dawson and Annie Dawson, nee Priett? A Yes, sir.
Q Did your father have a brother named Robert, and a brother named James? A Yes, sir; that is what I was told.
Q And had a sister named Mrs. Petty? A Yes, sir.
Q And another one named Mrs. McGee? A Yes, sir.
Q And another brother named John? A Yes, sir.
Q What relation are you to Mrs. A. S. Lewis? A Sister.
Q Did you ever see your grandfather, Samuel Dawson? A Yes, sir.
Q You have a distinct recollection of him? A I, yes, I can remember him, but I was small.
Q About how old were you when your grandfather died? A About 6.
Q Was your father's birth recorded in the family Bible? A Yes, sir.
Q You know whether your grandfather's record of marriages and deaths were recorded in any Bible or not? A I was, but we haven't it.
Q What became of it? A Got burned.
Q Well, about what year do you remember that your father, Samuel Dawson was born? A I believe it was '23.
Q In 1823? A Yes, sir.
Q And how old was he when he died, if you recollect? A He was between 64 and '7.
Q Did you ever hear your father speak of his relations, his father and mother, as to whether they were white people or Indians? A Yes, sir, they were white people.

Q. You know whether in the family you grandmother was spoken of by the name of Annie, always? A. Yes, sir.

BY MR. McKINNON: Applicants object to the testimony of this witness because it is wholly irrelevant and incompetent.

ALEX S. LEWIS, being first duly sworn and being examined, testified as follows:

BY MR. HUTCHINGS:

Q. State your name? A. Alex S. Lewis.

Q. What is your post-office? A. Dawson, Indian Territory.

Q. How old are? A. 59 years.

Q. What was your wife's maiden name? A. Elizabeth Parales Dawson.

Q. What was your wife's father and mother? A. Her father was Samuel R. Dawson and her mother was the wife of Samuel R. Dawson, did you want her maiden name?

Q. Well, if you know the maiden name of your wife's mother, state how you know it? A. Well she was called Margaret, Margaret Queen, that her maiden name.

Q. The maiden name now of your wife's father's mother? A. Why the maiden name of my wife's father's mother?

Q. Yes, sir? A. From what her husband and my father-in-law told me it was Annie Pruett.

Q. What was the name of your wife's father's father? A. My wife's grandfather on her father's side, Samuel Dawson.

Q. And his wife's maiden name was Annie Pruett? A. Yes, sir.

Q. Did you know the old gentleman, Samuel Dawson, your wife's grandfather? A. Yes, sir.

Q. Personally? A. Yes, sir.

Q. What opportunities had you to get acquainted with him? A. He lived with his youngest son, my father-in-law, and visited us, my wife and I, after we were married, stayed with us quite a while; I lived near my father-in-law and we visited very often.

Q. When did he die? A. '74.

Q. Have you any particular method of recalling that date? A. Well, I was away from the house when he was taken sick, and they sent for my wife and myself, and so when I got home my wife had gone to her father's to see her grandfather, he was sick, and I remember my first wife was a baby at that time.

Q. And when was your first child born? A. He was born December, '73.

Q. You know how old your wife's father was when he died? A. Well he was up in 60, but I don't remember his age.

Q. Did the old original Samuel Dawson ever tell you his age? A. Yes, sir, several times.

Q. How old was he at the time of his death? A. He was past 94.

Q. Did he ever tell you whether or not his wife Annie Pruett had any sister or brother? A. Told me she only had one brother named Bob Pruett.

Q. Have any of the members of the family named their children after him? A. Make it a little plain, it is a little long; my wife's oldest brother was a particular favorite of his grandfather, and he always took this boy with him everywhere, and he had named one of his, - oldest child for this brother-in-law who was a particular favorite of his grandfather; named it for him I understood.

Q. Now, what is his name? A. Of course I don't know why he named it, but he gave him the name of Robert Pruett, and I understood it was on account of his grandfather thinking so much of Robert Pruett.

Q. Did you ever hear the old Samuel Dawson speak of his brother-in-law? A. Yes, sir; I have heard him say that he wished he knew what had become of Bob Pruett, he never had heard of him for a long

time; didn't know where he was, or whether he was alive or not.
Q Now, I want the children of Samuel Dawson and Annie Pruett, how many of them did you know, first? A How many did I know personally?
Q Yes, sir? A John James, and Samuel R. Those were the only ones of his children that I remember personally.
Q Well, remember what you know of the family, what other children did he have? A Well he had two girls, as I understand the family history, he had two girls, first, and John Dawson was the third child, and the oldest boy was John Dawson.
Q Was John Dawson the oldest boy? A Yes, sir.
Q Which was the oldest girl? What is she known by now? A I think it was Mrs. Petty, now Bettie Dawson.
Q And John Dawson was the oldest boy? A Yes, sir.
Q And Samuel R. Dawson was the youngest boy? A Yes, sir.
Q You know anything about the time John Dawson was born, have you any way of knowing at it, the oldest boy? A Yes, sir, I know what the oldest son and his wife told me.
Q What was that? A They said he was born in 1811.
Q Who was his oldest son? A Toliver H. Dawson; told me his father was born in 1811.
Q Do you remember now whether the old man had occasion to say whether his wife, Annie Pruett was an Indian or white woman, or ever said anything about it? A I know what the old man said that she was, I don't know that I ever heard the question approached in that way, I have heard him speak as to her blood, but it was in a different way that he reached it.
Q What blood did he say she was? A Well he said that she was the daughter of Mrs. Pruett, a white woman; and that her father was Captain John Rogers, a white man who lived with the Cherokee Indians, and traded with them.
Q Did he say who Captain John Rogers afterwards married? A Said he had a wife in the Cherokee Nation.
Q But that Annie Pruett was not her child? A No, sir, she was the child of Mrs. Pruett.
Q A white woman? A Yes, sir, that was the half sister of Bob Pruett.

BY MR. McKENNON:

Applicants object to all of the testimony of this witness, because it is wholly incompetent and irrelevant.
Q Did ever you apply for citizenship here? A Yes, sir; for my wife.
Q When? A My father-in-law made the application, I don't know exactly when it was, I think probably about '86, I couldn't say as to the date.
Q Before the Cherokee authorities? A Yes, sir.
Q Did he file an application before the Dawes Commission in 1896 also? A Him.
Q Yes, sir? A I don't think he did, no sir.
Q Did you? A I did.
Q On account of your wife? A Yes, sir.
Q Did you make affidavit to that application? A No, sir.
Q Who did? A I don't know, don't remember now.
Q You applied for your wife as an Indian by blood did you not?
A Yes, sir.
Q Are you still an applicant? A No, sir.
Q Is she? A No, sir.
Q She was denied was she? A Yes, sir.
Q Was there an appeal taken from that? A Application was filed if I remember, before the Dawes Commission, and they rejected the case, and then I appealed it to the District Court, and it was rejected there and then I stopped.

Q Have you ever been arrested for any crime? A Yes, sir.
Q What? A Charge of murder.
Q Anything else? A No, sir.
Q Conitted on the train? A Yes, sir.
Q In a train robbery? A Yes, sir, in a train robbery.
Q How long did you remain in jail? A Appealed the case to the Supreme Court, and it was reversed and sent back, and I was acquitted on that charge.
Q That all the crime you were ever charged with? A Yes, sir.
Q Haven't you been having some trouble with the Dawson family?
A Well me personally I have no trouble with any of them, there is one of my boys and one of W. A. Dawson's sons-in-law had some trouble.
Q You are not friendly with the Dawson family? A That son-in-law Mr. Wooley, and myself, don't speak, and I don't think his wife speaks to me either.
Q Well you are claiming some sort of lease on the Wooley farm, aren't you? A No, sir, I don't claim any lease on the Wooley farm.

B. W. ALBERTY, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A B. W. Alberty.
Q What is your post-office? A Tahlequah.
Q What is your present official position in the Cherokee Nation?
A Assistant Executive Secretary of the Cherokee Nation.
Q As such have you charge of the citizenship records and books etc. of the Nation? A Yes, sir.
Q Have you made search recently for the original records in the various cases of the Dawson family before citizenship courts in Council? A Yes, sir.
Q Have you got what records you found with you? A I find what's supposed to be the original papers in the case, all that I could find. (Produces papers and hands to Nation's attorney.)
Q Where did you find these papers? A I found them in the desk in which papers of that character are filed away in the Executive Office at Tahlequah. (Applicant's attorneys examine papers produced by witness.)

BY MR. HUTCHINGS: The Nation here introduces in evidence an envelope marked No. 108, the names on the back of it are Robert, Elbert, Jasper, John, Frances, Marion, Josephine, Joseph, Jane, Mollie, Wilburn, James, Rial Dawson, versus the Cherokee Nation; the envelope and its contents.

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced by the Cherokee Nation is indorsed as follows:

"No. 108, Rob. Dawson, Elbert Dawson, Jasper Dawson, John Dawson, Francis Marion, Josephine Dawson, Joseph Dawson, Jane Dawson, Molly Dawson, Wilburn Dawson, James Dawson, Real Dawson, vs Cherokee Nation, Petition for Citizenship, filed Sept. 24, 1881. Admitted Jan 11th, 1883, D. W. C. Duncan, Clerk."
In pencil: "Robt Dawson."

The said envelope contains a document as follows:

"Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19th, 1882.

No. 102 Robert Dawson, "et al."

vs.

Cherokee Nation.

Testimony for Claimants.

Witness:

Dr. Baker sworn testified as follows. My name is Arthur Baker I reside at Berrivill, Arkansas, Carroll County, my age is 73 years, I am not a Cherokee, I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some thirty five years (line drawn through the last three words.) 35 years at my mother's house near Calhoun I became acquainted with the claimants Robt Dawsons grandmother on mother's side, she was frequently at my mother's house; though she Anna Pruet lived in the Nation side. She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee; the first time she brought the claimant's mother to my mother's house she the claimant's mother was about grown, when I was a little boy she called her daughter Polly Rogers said Capt. John Rogers who ran a boat up the river was the father of the child; I saw the girl frequently there at my mother's and there at Louis Rosses Store I saw her occasionally until I was 12 or 16 years old and I think then Old Capt John Rogers took her off to school. I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of Old Samuel Dawson. I stayed all night there and she and I had a talk over our old matters, and I asked her when she became acquainted with Dawson and she said at the time she was going to school. And she said after she left school that Dawson followed her home to the Nation and they were there married. I have told that precisely in the words she used.

Capt John Rogers claimed to be one fourth Cherokee, the claimant is the son of Polly Rogers and I know Polly Rogers to be the daughter of Anna Pruet, and I know the claimant to be the son of Polly Dawson Capt Rogers then resided in the Cherokee Country about twelve miles from Calhoun on the Hiwassee River.

Anna Pruet resided in the Cherokee Nation as long as I stayed there the Dawsons when I got acquainted with them Arkansas were recognized where they were as Cherokees, Robt Dawsons children is Buck, John, Marion, and two girls; the children named in the petition I recognize as being the claimants.

Question by Solicitor:

Ques. 1 How many children did Polly Rogers have?

Ans. 1 Five, I think that's all

Ques. 2 Did you say something about someone being married twice?

Ans. 2 The claimant was married twice.

Ques. 3 Could Anna Pruet speak Cherokee?

Ans. 3 Yes she could speak it well

Ques. 4 Did Polly Rogers speak Cherokee?

Ans. 4 She could when she was young.

Ques. 5 How far did you live from Anna Pruet?

Ans. 5 Just across the river about 3/4 of a mile.

Ques. 6 Was Calhoun in the Cherokee Nation?

Ans. 6 It was on both sides of the river, part in the Nation and part out in the State.

Ques. 7 Which Harnage was it went to Texas?

Ans. 7 George went first then John went they were the sons of old man Harnage that lived up here near the line.

Ques. 8 Did the claimant go to Texas?

Ans. 8 No the claimant didn't go to Texas.

Ques. 9 What connection was claimant and Polly Rogers?

Ans. 9 The claimant is the son of Polly Rogers Marion here is the grandson of Polly Rogers.

Ques. 10 Where does claimant now live?

Ans. 10 He lives in Carroll County, Arkansas.

Ques. 11 Do you know what relation old Captain John Rogers was to Charlotte Rogers here in Cooweescoowee?

Ans. 11 They claimed kin but what kin I don't know there were two Capt. John Rogers' in the Nation I am speaking of the time when I first came to this 1830 Country about the year 1830.

Ques. 12 Was Anna Bruet the maiden name of Claimant's grandmother

Ans. 12 Yes that was her maiden name the Indians called her since.

(signed) Arthur. A. x Baker.
mark

Witness' hand paralyzed is the reason he signs by a mark thus "x". "

The above document is indorsed on back as follows:

"Certified copy of Affidavit, Arthur A. Baker in Dawson case, Robt," Decided by the Teehee Court in 1883. A. Riley Dawson's Step daughter a white woman married a white man, named August Bulaska."

BY MR. HUTCHINGS: We further introduce envelope N. 181, of E. Dawson for his grand-children, versus the Cherokee Nation, and its contents, to-wit: The Petition and affidavit of F. M. Dawson, and the testimony of Joseph Dawson.
(Hands papers referred to to applicant's attorneys.)

BY MR. McKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent and irrelevant.

The envelope above introduced is endorsed as follows:

"No. 181: E. Dawson vs the Cherokee Nation. For his grand children. Petition for citizenship. Filed Sept. 14th, 1883, D. W. C. Duncan, Clerk of Com. Decided Sept. 13, to be Cherokees.

The contents of said envelope are as follows:

"Office of Commission on Citizenship.

Tahlequah, Cherokee Nation, Sept. 14, 1883.

E. Dawson,
No. 181. vs for his grand children,-
Lulu Dauthett,
Dallas Dauthett,

F. M. Dawson for Claimant introduced sworn and in open Court testified as follows:

My name is F. M. Dawson. Am a Cherokee by blood reside in the Cherokee Nation am 30 (40 written over it) years old.

I saw the Claimants, Lulu Dauthett and Dallas Dauthett in Vinita, and know them to be the grandchildren of my brother E. Dawson who is a recognized Cherokee by blood. L. M. Dauthett, the father of the Claimants, Lulu and Dallas is a white man Dauthett's wife the mother of Lulu and Dallas was a Cherokee, the daughter of my brother E. Dawson, she is now dead. The oldest of these applicants is about 9 years old. I have known them about 8 years. These children is now living with their father. One is a girl and the other is a boy. I had been acquainted with her mother all her life. If she had been now living she would have been about 25 years old - - She has been dead about 4 years as well as I can recollect, She was about 17 years old when she was married.

his
(signed) F. M. x Dawson, "
mark

Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, Sept. 14, 1893.
No. 181 E. Dawson
for his grand children
Lulu Dauthett
Dallas Dauthett

Joseph Dawson introduced for Claimants, sworn in open Court testified as follows:

Jos. Dawson, an a Cherokee live in the Cherokee Nation, an 31 years old.

Lulu Dauthett and Dallas Dauthett, the Claimants are Cherokees. Fawnie Dawson was their mother. Fawnie Dawson was a Cherokee, that is what I wa always told. Her father was E. Dawson. E. Dawson was my brother. Mrs. Dauthett is not living now: the last time I s w Lula, and Dallas Dauthett, they were in Texas. But I have heard since that they are in the Cherokee Nation. E. Dawson recognizes them as his grandchildren and I have known them ever since they were born. My Solicitor:

Lula is about 10 years old. The Dallas is about 5 or 6 years old. I heard that their father is now at Vinita Cherokee Nation, E. Dawson is Elbert Dawson. The applicants' mother has been dead about three or four years. She died at Hillsboro, Texas.

I was not present when their mother and E. Dawson had eight children to the best of my recollection, or 9. Fawnie, Francis, Cartenas, Zanie, Bob, Smith, Worth, Bert, Ella. All living but two, Fawnie and Smith. They are all living in Texas when I left there. I am a brother to F. M. Dawson, we are full brothers. My father has been admitted to Cherokee Citizenship by this Court.

his
(signed) Joseph x Dawson,
mark

To the Commission o Citizenship,
Tahlequah, C. N. Sept. 12, 1893.
E. Dawson for grandchildren,
Lulu Dauthett,
Dallas Dauthett,
vs
Cherokee Nation.

Now comes E. Dawson petitioning for the Cherokee rights of his grandchildren, Julia Dauthett & Dallas Dauthett, by virtue of their Cherokee blood, which was derived from the

Dawson family, who is acknowledged Cherokees by admission of your Hon. Court, at its last session in January, 1883, in view of the facts ask your Hon for a speedy and favorable consideration of our claims.

(signed) E. Dawson for grand children,
By C. H. Taylor."

This last document is indorsed on back as follows:
"No. 181, Petition of Lula, Dauthett & Dallas Douthitt, for Citizenship Filed Sept 14, 1883, D. W. C. Duncan, Clerk."

BY MR. HUTCHINGS: Now we desire to introduce the judgment in the case of S. R. Dawson, and others, of the Commission on Citizenship, found on page 20, of Record Book B, of the Citizenship cases in the Cherokee Nation, said book having been turned over to and now in the custody of the Commission; the judgment being dated April 26th, 1889.

BY MR. McKENNON: To the introduction of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

Record above introduced is as follows:

"Office of Commission on Citizenship,
Tahlequah, C. N. August 11th, 1887.

| Docket No. | Names, | Age | Sex | Post Office, | Attorney |
|------------|------------------------------|-----|--------|------------------|----------|
| | 1 S. R. Dawson, | 66 | | Catoosa, | |
| | 2 Parlee Dawson, | 44 | female | | |
| 307 | 3 America J. Dawson, | 35 | " | | |
| | 4 Katharine J. Dawson, | 33 | " | | |
| | 5 J. G. Dawson, | 31 | male | | Bell & |
| | 6 Elias F. Dawson, | 29 | " | Applicant for) | Bryant. |
| | 7 Toliver Dawson, | 27 | " | Cherokee Nation. | |
| | 8 Elva Dawson, | 20 | female | | |
| | 9 Fanny Dawson, | 18 | " | | |
| | 10 John Riley Dawson, | 11 | male | R. | |
| | 11 Robert E. Dawson, | 9 | " | | |
| | 12 Claud Dawson, | 7 | | Ancestor | |
| | 12 Cleveland Dawson, | 3 | | John Rogers | |
| | -- filed August 11th, 1887." | | | | |

In red ink written along Age column is the following: "Rejected April 26, 1889."

"Now this day comes the above case for final hearing, Samuel R. Dawson, bases his application for readmission to citizenship in the Cherokee Nation upon the ground that he is the son of Samuel Dawson a white man, Polly Rogers the alleged daughter of Captain John Rogers and Chilsey Pruitt, said to be a half sister of Joseph Vann, commonly known as Rich and who was of Cherokee blood. It is admitted that John Rogers and Chilsey Pruitt died before the roll upon which their names would appear if living at the time and specified in the 7th section of the Act of December 8th, 1886, creating the Commission on Citizenship, were made but in support of the application it is urged that certain members of the Dawson family and full brothers of the applicant were re-admitted to citizenship by the Commission on Citizenship commonly known as

"The Teehee Court", and the "Spears Court", and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the considerations which determined the decision of those Commissions of the testimony now introduced to authorize the admission of the present applicant is not relevant to the issue now pending. The 7th section of the Act of December 8th, 1886, before named provides, that "The Commission shall give a hearing to any person applying for citizenship in the Cherokee Nation upon the ground of Cherokee blood or descent, but such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States." As are hereafter enumerated. Neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission to citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the cases of Andrew J. Dawson, James K. P. Dawson, Jounnah Barber nee Jounnah Dawson and Jane Queen, nee Jane Dawson, and their families, as enumerated in their respective applications.

(signed) Will P. Ross,

Chairman.

(signed) R. Bunch, Commissioner,

John E. Gunter, Com'r.

This April 26th, 1889.

(signed) D. L. Williams,
Clk Com'n."

BY MR. HUTCHINGS: The Nation now introduces the envelope in the case of James K. P. Dawson, and the contents, being the original testimony in the case of E. Dawson; also the judgment in said case, found on page 116, in book C., containing the records of the Citizenship Commission of the Cherokee Nation, the date of said Judgment being April 26th, 1889; this book being also in the custody of this Commission.

BY MR. LOKENNON: To the introduction of all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope above introduced is indorsed on back as follows:

"Name, James K. P. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, - - - Age, - - Years, - - Roll of 1835, Ancestor, Riley Dawson, filed the 5 day of Oct. 1887, Book 989, Book C Page 116, Testimony on Journal - - Page - - - Decision of Commission Rejected 26 day of April 1889. Rejected."

The contents of said envelope are as follows:

"A. J. Dawson, et al.,) Office Com. On Citizenship,
(vs)) Tahlequah, I. T. Sept. 27th, 1888.
Cherokee Nation.)

E. Dawson, who being duly sworn, upon his oath, deposes and says as follows, to wit:

I am a citizen of the Cherokee Nation and reside in Coowessocowee Dist. and am 53 years old. I am acquainted with the applicant, Andrew J. Dawson, he claims to be a relation of mine. I have known him personally about three (3) years. He said his father was Joe Dawson. I know the party, the applicant, from circumstances, and have no doubt but that he is a relation of mine.

Joe Dawson, the father of the applicant was my father's brother. Joe Dawson was considered to be a Cherokee, I think he died on the Hiwassee river in Tenn. I think he had four (4) children. I never saw any of them but Andrew J. Dawson, and Jim Dawson.

--CROSS EX--

Joe Dawson has been dead about 35 years he lived west of the Mississippi River, I understand. My father had four brothers. I don't know how long Joe Dawson had been living in Tenn. before he died. All that I know of the applicant being the son of my Uncle Joe Dawson, is from what he himself has told me, - My grandfather, Sam Dawson was a white man. The applicant could be of the Dawson name and not be related to me - My grandfather being a Dawson and a white man.

Attest

Connell Rogers,
Clk. Com. on Citizenship."

This document is indorsed on back as follows:
"Testimony of E. Dawson in case A. J. Dawson."

The judgment above introduced, and found on Page 116 of Book C of the Dockets of Cherokee Citizenship Commission, is as follows:

"James K. P. Dawson,
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind, Ter., Oct. 5, 1897.

| Docket No. | Names | Age | Sex | Post Office | Attorney |
|------------|---------------------|-----|------|-------------|----------|
| 1 | James K. P. Dawson, | - | male | | |
| 2 | William A. Dawson, | | | | |
| 3 | Richard A. Dawson, | | | | |

989

C. H. Taylor.

vs.

Applicant for
Cherokee Citizenship,
Census Rolls 1835
Ancestor,
Riley Dawson.

Cherokee Nation. "

In red ink along age column are the words: "Rejected April 26, 1899."

"Adverse to Claimant.

See decision in this case in that of S. R.

Dawson in Book (B) Page 20.

This April 26, 1899.

D. S. Williams,
Clk Com.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS:

The Nation desires to introduce the original envelope and its contents in the case 196, of Rebecca Dawson, being the application and judgment in the case, also the judgment as copied into the record, Book C, on page 144, the date of said judgment being August 28th, 1889.

BY MR. McKENNON: To all of which the applicants object, because it is wholly incompetent, immaterial and irrelevant.

The envelope just introduced is indorsed on the back as follows:

"196. 1. Name Rebecca Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address Emmett, L. T., Age 48 years, 1835, to 1852, Poll of 1852 - Emmett Moton, filed the 5 day of Oct 1887, Docket 1017 Book C Page 144. Testimony on Journal - Page - - Decision of Commission, August 28 day of August 1889. Submitted by Mr. Rabin, May 22, 1888." "R"

The contents of said envelope are as follows:

APPLICATION FOR CITIZENSHIP.

To the Honorable Commission on Citizenship:
Gentlemen:- The undersigned, your petitioner, this day makes this her application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution, and with an act of the National Council approved December 8th, 1886, creating your Commission, And respectfully makes the following statement of the grounds for this, her application, to-wit:

That Rebecca Dawson is the Grand Daughter of one Moton, who the undersigned firmly believes was enrolled upon the Census Rolls of Cherokees by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds for this application for Cherokee citizenship by blood, and respectfully admits the time when Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 48 years; Postoffice, Emmett, Chic. Na; family with their relationship attached is as follows:

| No | Name | Sex | Age | Relationship. |
|----|------|-----|-----|---------------|
|----|------|-----|-----|---------------|

In witness whereof which application I hereto set my hand on this 1st day of October 1887.

Rebecca Dawson.

COMMISSION ON CITIZENSHIP.

Cherokee Nation, Ind, Ter.

Talleguah, August 28th, 1889.

Rebecca Dawson)
V. S.

Cherokee Nation.) The above case was called and submitted by

Ramus without evidence the Commission decide that Rebecca Dawson, Age 48 yrs is not a Cherokee by blood and are not entitled to citizenship in the Cherokee Nation Post Office Emmet Texas. -- I. T.

(signed) WILL P. ROSS,
Chairman,
J. E. Gunter, Com."

The judgment found in Book C, Records of Commission on Citizenship, Cherokee Nation, page 144, is as follows:

"Rebecca Dawson.
OFFICE COMMISSION ON CITIZENSHIP.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

| Docket No | Names | Age Sex | Post Office Attorney. |
|-----------|----------------|-----------|-----------------------|
| 1 | Rebecca Dawson | 48 female | Emmett, I. T. |

1017

Boudinot & R.
Applicant for
Cherokee Citizenship.

Census Rolls, 1835,
to 1852.

Ancestor,
Moton.

V. S.
Cherokee Nation.

Office Commission Citizenship,
Cherokee Nation, Ind. Ter.,
Tahlequah, Aug. 28th, 1889.

The above case was called and submitted by Attorney Ramus without evidence. The Commission decide that Rebecca Dawson, aged 48 years is not a Cherokee by blood and not entitled to citizenship in the Cherokee Nation.

Attest:

E. G. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nat on next introduces the original envelope and contents in the case 198, of Mary Dawson, the contents being the application for citizenship, and the judgment as written up by the Court; also the judgment of the Court as copied in Book C, page 145,-- said judgment being rendered August 28th, 1889.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced is indorsed on back as follows:

"198, 2, Name, Mary Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Bowie, Texas, Aged 54, years, 1835 to 1852 Roll of 18- Ancestor, Moton, Filed the -- day of 18-- Docket 1018, Book C Page 145, Testimony on Journal-- Page-- Decision of Commission Rejected 28th day of August 1889. Submitted by Mr. Ramus, Aug, 28, 1889."

"APPLICATION FOR CITIZENSHIP".

To THE HONORABLE COMMISSION OF CITIZENSHIP:

Gentlemen:- The undersigned, your petitioner, this day takes this Application for re-admission to citizenship in the Cherokee Nation in accordance with the Constitution, and with an Act of the National Council, approved December 8th, 1836, creating your Commission. And respectfully makes the following statement of the grounds of this her application, to-wit:

That Mary Dawson is the Grand Daughter of one Noton who the undersigned firmly believes was duly enrolled upon the Census Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the years 1835, -48 - 51 - 52.

The undersigned hereby presents the above facts as the lawful grounds of this her application for Cherokee citizenship by blood, and respectfully awaits the time when her Application shall be truly heard and tried in accordance with the aforesaid law.

Age, 54, years; Postoffice, Bowie, Texas, family with their relationship attached is as follows:

| No. | Name | Sex | Age | Relationship. |
|-----|---------------|-----|-----|---------------|
| 1 | Walter Dawson | M | 13 | Son. |

In witness of which a public tition I hereunto set my hand on this the 4 day of October 1887..

Mary Dawson,

Boudinot & Roskus,
Attorneys."

COMMISSION CITIZENSHIP,

Cherokee Nation, Ind. Ter.,

Tahlequah, August 20th, 1889.

Mary Dawson,)
vs) (Application for Cherokee
The Cherokee Nation) Citizenship.

The above named case having been submitted by W. F. Roskus, Attorney for plaintiff, without evidence, the Commission decide that Mary Dawson age 54 yrs, and her son Walter Dawson, age 13 yrs, are not of Cherokee blood, P. O. Bowie, Texas.

Will P. Ross,
Chairman,
J. E. Carter, Com."

Said envelope also contains the following:

APPLICATION FOR CITIZENSHIP

TO THE HONORABLE COMMISSION OF CITIZENSHIP: Gentlemen:- The undersigned, your petitioner, this day takes this his application for re-admission to citizenship in the Cherokee Nation, in accordance with the Constitution and with an act of the National Council, approved December 8th, 1836, creating your Commission. And, respectfully makes the following statement of the grounds of this his application, to-wit: That James H. P. Dawson is the son of one Wiley Dawson the the undersigned firmly believes was duly enrolled upon the - - - Rolls of Cherokee by blood, citizens of the Cherokee Nation, taken and made in the year 1835, the undersigned hereby presents the above facts as the lawful grounds for this his application for Cherokee citizenship by blood, and respectfully awaits its time when his application shall be truly heard and tried

POOR ORIGINAL -
BEST AVAILABLE

in accordance with the aforesaid law.
Age -- years; Post-office -- --: family with their relation-
ship attached is as follows:

| Names, | Sex | Age | Relationship. |
|--------------------|------|-----|---------------|
| William A. Dawson | Male | | Son. |
| Richard A. Dawson, | " | | " |

In witness of which application I hereto set my hand on this
the 4th day of Oct 1887.

C. H. Taylor, Attorney." (signed) James K. P. Dawson,

The judgment as recorded in Book C, page 145, of the
records of the Cherokee Commission on Citizenship, is as
follows:

"Mary Dawson,

Office of Commission Citizenship.

Tahlequah, Ind. Ter., Oct. 5th, 1887.

| Docket No. | Names | Age | Sex | Post Office | Attorney |
|------------|----------------|-----|--------|---------------|----------|
| 1 | Mary Dawson, | 54 | Female | Bowie, Texas. | |
| 2 | Walter Dawson, | 18 | Male | | |

Boudinot & R.

Applicant for
Cherokee Citizenship.

Census Rolls 1835 to 1852
Ancestor

vs.
Cherokee Nation.

Office Commission on Citizenship,
Cherokee Nation, Ind. Ter.,

Tahlequah, Aug 28th, 1889.

The above case having been submitted by F. P. Farriss,
attorney for claimant, without evidence, the Commission decide that
Mary Dawson aged 54 years, and her son Walter Dawson aged 18
years are not of Cherokee blood. Post office Bowie Texas.

Attest:

E. G. Ross,
Clerk Commission.

Will P. Ross,
Chairman.
J. E. Gunter, Com."

BY MR. HUTCHINGS: The Nation further introduces the original
envelope in the case of Andrew J. Dawson, which said envelope
contains his original application; also the judgment in that
case recorded on page 38, of Book A, of the records of the
Citizenship Commission of the Cherokee Nation, which said
records are now in the custody of the Commission; the judgment
is dated April 26th, 1889.

BY MR. McKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The envelope just introduced above, is endorsed as follows:

"Name, Andrew J. Dawson, APPLICANT FOR CHEROKEE CITIZENSHIP. Address, Nevada, Mo. Age 44 years, - - 1835, Roll of 1835, Ancestor, - - Filed the 11 day of February 1887, Docket 37 Book A, Page 38 Testimony on Journal - - Page, Decision of Commission, REjected, 26 day of April, 1889. Rejected."

The contents of said envelope are as follows:

"To the Commission on Citizenship.

Tahlequah, I. T.,
January 27, 1887.

| | Age | | |
|--------------------|----------|------|---------|
| Andrew J. Dawson, | 44 years | Male | |
| E. E. Dawson, | 16 | " | " |
| Olive M. Dawson, | 14 | " | female |
| William H. Dawson, | 11 | " | male |
| Jessie K. Dawson, | 9 | " | " |
| Glennie D. Dawson, | 8 | " | female. |

V.S.
Cherokee Nation.

Now comes Andrew J. Dawson, and five children claiming his right to Cherokee Citizenship by virtue of his Cherokee blood, he being a cousin of E. Dawson and others of the same name admitted to citizenship by the Tom Terrell Court on Citizenship, which is a matter of record, we submit that as proof of the justness of his claim, his ancestors will be found on the roll of 1835.

Respectfully,
Post-office, (signed) A. J. Dawson &
Nevada, Mo. five children,
by C. H. Taylor,
Attorney."

The judgment just introduced and found on page 38 of Book A, Records of Cherokee Commission on Citizenship, is as follows:

"Andrew J. Dawson,
Office Commission Citizenship,
Tahlequah, C. M., Feby 11, 1887.

| Docket No | Name | Age | Sex |
|-----------|--------------------|-----|-----------------------|
| 1 | Andrew J. Dawson, | 44 | Male Nevada, Mo. |
| 2 | E. E. Dawson, | 16 | " |
| 3 | Olive M. Dawson, | 14 | female |
| 4 | William H. Dawson, | 11 | male Applicants for |
| 5 | Jessie K. Dawson, | 9 | Cherokee Citizenship, |
| 6 | Glennie D. Dawson, | 8 | female C. H. Taylor. |

Rolls 1835.
Rejected April 26, 1889, (red ink.)

V.S.
Cherokee Nation.

Filed Feby 11, 1887.

Ancestors,

Adverse.

See decision in this case in that of L. R. Dawson,
Book P.20.
rendered April 26- 1889.

D. S. Williams,
Clk Com."

BY MR. HUTCHINGS: We next desire to introduce the records
in the case of this same Andrew J. Dawson, before the
Commission to the Five Civilized Tribes, filed September 7th,
1896, and the judgment of the Commission thereon. Number of
said case being 4,694. And the judgment of said case on Page
294, Book B., Dawes Commission Record, 1896. Judgment was
rendered November 17th, 1896, denying the application.

BY MR. McKENNON: To all of which the applicants object, because
the same is immaterial, irrelevant and incompetent.

The records just introduced, being those filed before
Dawes Commission, 1896, in Andrew J. Dawson, et al., are as
follows:

Registry Receipt,
Post Office at Vinita, Sep. 7, 1896, Cherokee Nation, Ind Ter.,
Registered Letter, No. 409, Rec'd, of A. J. Dawson, addressed
to S. H. Hayes, Tahlequah, I. T., (signed) D. A. Fryser,
L.-P. M.

"Commission to the Five Civilized Tribes,
Vinita, Ind. Ter., Sept. 7, 1896.
See that you swear to your petition.

Evidence of service of copies of Chief or Governor
may be secured as follows: If convenient get his receipt to
file with your papers. If you cannot do this, register to him,
and have some interested person to make affidavit in Court
about as follows:

I, S. H. Davidson, do solemnly swear that on the 7th day
of September, 1896, I saw a package registered at the Post
office at Vinita, Indian Territory, addressed to Hon. S. H.
Hayes, Chief of the Cherokee Nation, Tahlequah, Ind. Ter., that
registry receipt no. 409, received from postmaster, remote
attached, is a receipt for said package, which contained true
copies of the application of Andrew J. Dawson, and of the
affidavits of E. Dawson and F. H. Dawson in support of same.

(signed) S. H. Davidson.

Subscribed and sworn to before me, on this 7th day of September,
1896.

(seal)

(signed) W. H. Kornegay,

Notary Public, First Judicial Division,
of the Indian Territory.

Attach receipt to this Affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly accepted for by the Chiefs and Governors.

xxx

For the Commission."

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabanis and Alexander B. Montgomery, United States Commissioners, authorized by an Act of Congress of June 4th, 1896, to hear and determine claims for citizenship in the Cherokee Nation:

Gentlemen:-

The undersigned, your petitioner, Andrew J. Dawson, ~~William H. T. Dawson-Jesse K. D.~~ (Line in ink drawn through these names) for and on behalf of Minnie E. Dawson, Olive Maud Dawson, William H. T. Dawson, Jesse K. Dawson, Glen Dale Dawson, James K. P. Dawson, William A. Dawson, Maggie E. Dawson, Richard A. Dawson and Mary E. Dawson and heirs, this day make their application to you for the purpose being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of the funds and allotments of lands in the Cherokee Nation by virtue of their Cherokee blood, and petitioners state that they are Cherokee Indians by blood, deriving the same from Captain John Rogers, Polly Rogers, daughter of Captain John Rogers, married Samuel Dawson, whose name will be found on the authenticated rolls of the Cherokees by blood, taken in the years 1817, 1818, 1819 and 1835 & 1838 the same to be submitted to your Honorable Commission for a full and complete investigation, and if found correct as stated, to be granted all the rights, privileges and immunities of other Cherokee citizens, and petitioner herewith files his proof in support of said claim, and respectfully awaits the time when his application shall be heard and tried.

Respectfully submitted,

Andrew J. Dawson,

Enrollment of Family, with relationship at a glance, as follows:

| Names. | Ages. | Relationship. |
|-----------------------|-------|---------------|
| Minnie E. Dawson, | 25 | Daughter, |
| Olive Maud Dawson, | 23 | daughter |
| William H. T. Dawson, | 20 | son, |
| Jesse K. Dawson, | 18 | son. |
| Glen Dale Dawson, | 16 | daughter. |
| James K. P. Dawson, | 17 | brother. |
| William A. Dawson, | 13 | Nephew. |
| Maggie E. Dawson, | 9 | Niece. |
| Richard A. Dawson, | 17 | Nephew. |
| Mary E. Dawson, | 5 | Niece. |

IN WITNESS WHEREOF, I herewith set my hand this Third day September 1896.

(signed) Andrew J. Dawson."

Jurat on back as follows:

United States of America,
Indian Territory,
Northern District.

Andrew J. Dawson, of lawful age, being duly sworn states that he knows the facts set forth in the above and foregoing application and that the same are true as he verily believes.

(signed) Andrew J. Dawson,
Subscribed and sworn to before me on this the 3rd day of
September 1896.

(Seal) (signed) J. A. Tillotson,
My Commission expires June 8" 1899. Notary Public.

Indian Territory,)
Northern Judicial Dis- (ss.
trict

Andrew J. Dawson, of lawful age, being by me first duly sworn on oath says that he is 52 years old that his post office address is Afton, I. T. Affidavit further says that he is a citizen of the Cherokee Nation and a Cherokee Indian by blood deriving his Indian blood from Polly Rogers daughter of Captain John Rogers, that Polly Rogers, a daughter of Captain John Rogers married Samuel Dawson near Calhoun, Tenn. on the Hiawatha river while migrating to the west.

Affidavit further says that Samuel Dawson and Polly Rogers are his Grandfather and Grandmother and that Captain John Rogers was recognized by the National Council of the Cherokee Nation as a Cherokee citizen in the laws of the Cherokee Nation of 1852 as follows: An act of the Council of 1843 page 60, an act of Nov. 17" 1843, page 96. also an act of Nov. 16 1849 page 204.

Affidavit further says that he is a blood relation of E. Dawson, T. H. Dawson, Joseph Dawson, and John Dawson who were admitted to citizenship by the Cherokee Nation and whose names appear upon the authenticated rolls of 1893.

(signed) Andrew J. Dawson,
Subscribed and sworn to before me this 3" day of September
A. D. 1896.

(Seal) (signed) J. A. Tillotson,
My Commission expires June 8" 1899." Notary Public.

Indian Territory,)
Judicial Dist.) S.S.
)

F. H. Dawson, of lawful age, being by me first duly sworn on oath says that he is 54 years old; that his post office address is Afton, Indian Territory, Affidavit further says I have known Andrew J. Dawson for the past 10 years and have known him and recognized him as a Cherokee Indian and a cousin of mine, he claims to have originated from the family of Joe Dawson and he was a brother of Robert Dawson my father, and he being an offspring of Sam Dawson, who married Polly Rogers, a daughter of Captain John Rogers, who was a recognized Cherokee Indian.

his
(signed) T. M. x Dawson
mark

Subscribed and sworn to before me this the 4th day of Sept 1896."

(signed) Frank L. Sharp
Notary Public. (Seal)"

"Ind Ter
Northern Dist

This affidavit made this 4th day of Sept 1896 by E. Dawson of this Dist in the Cherokee Nation I have known A. J. Dawson 10 years and have known him and recognized him as a Cherokee Ind and a cousin of mine, he claims to originate from the family of Joe Dawson and he was a brother of Robert Dawson and being an offspring of Sam Dawson who was (line in ink drawn through word was) married Pollie Rogers a daughter of Captain John Rogers who was a recognized Cherokee Indian.

(signed) E. Dawson,
Subscribed and sworn to before me this 4th day of Sept 1896.

(signed) J. Harrieklaw,
Notary Public,

(Seal)" My commission expires June 2, 1895.

Indorsed on back: "No. 1509, A. J. Dawson vs Cherokee Nation filed Sept 7-1896 A. S. McKennon, Com'r."

Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKennon, T. B. Cabaniss, A. B. Montgomery, Commissioners. In the matter of the application of Andrew J. Dawson,

Nation's No.....

Commission's No.....

for citizenship in the Cherokee Nation.

Your respondent, S. H. Mayes, Principal Chief of the Cherokee Nation, comes now and demurs the said application, and for the grounds thereof says:

1st. That this Commission has not jurisdiction over the parties or subject matter of this controversy.

2nd. That the application does not state facts sufficient if true, to show that the applicant . . . entitled to citizenship.

Respondent not waiving his aforesaid demurrer, but insisting upon the same for answer to said application, says that John Rogers through whom the petitioner claims to derive right to citizenship in the Cherokee Nation, is not now, . . . and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory, as at present located and defined; that his name does not appear on any of the authenticated rolls of said nation; that neither nor any of his ancestors now reside, or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

See case Nation's No. 1573.

Having fully answered, your respondent asks to be hence dismissed.

S. H. Mayes, Principal Chief Cherokee Nation.

B. Hutchings, Hastings & Moudinot, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matters contained in the foregoing answers are true, to the best of his knowledge and belief.

(signed) John L. Adair,
Subscribed and sworn to before me this the 5 day of Oct 1896.

(signed) D. J. Ball,
Notary Public.

(Seal)"

Indorsed as follows: "Nation's No. 4679.
Commissioner's No. 4694, In re application of Andrew J. Dawson,
DEMURRER AND ANSWER. Filed Oct 21 H. N. Jacoway, Sec."

The foregoing documents, comprising the 1896 papers
as above set forth, are inclosed in envelope indorsed:

"No. 4694, Petition of Andrew J. Dawson, and heirs, Cherokee,
9-7-96. Rejected."

Which envelope is inclosed in jacket, marked "No. 4694."

BY MR. HUTCHINGS: Now we desire to introduce the records in
the case of Joanna Barber, et als., No. 1864, the United States
Court number being 90, and the Nation desires to call especial
attention to the testimony of W. C. Rogers and Sarah Carter
as set forth in this case.

BY MR. McKENNON: To all of which applicants object, because
it is wholly irrelevant, immaterial and incompetent.

Records in said case are as follows:

blood is shown by proof herewith
with filed.

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald
S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery,
United States Commissioners authorized by an act of Congress
of June 4, 1896, to hear and determine claims for citizenship
in the Cherokee Nation:

Gentlemen:- The undersigned, your petitioner, Joannah Barber,
for and on behalf of himself and heirs, this day makes this
their application to you for the purpose of being placed on the
revised roll of Cherokee Indians and of those entitled to

share in the distribution of funds and allotments of land in Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of E. Dawson, S. R. Dawson, F. A. Dawson & F. M. Dawson in support of said claim, and respectfully await the time when our application shall be heard and tried.

Respectfully submitted,

(signed) Joannah Barber.

Enrollment of family, with relationship attached, as follows:

| Names | Age | Relationship. |
|------------------|-----|---|
| Joannah Barber, | 60 | Daughter of Elizabeth or Peter |
| Isaac J. " Husbd | 65 | Petty, ne Dawson, who was a |
| Onis E. " " | 28 | daughter of Polly Dawson, nee |
| W. R. " " | 34 | Rogers who was a daughter of |
| James E. " " | 18 | Capt Jno Rogers and Alley Rogers |
| Johny " " | 6 | nee Vann a Cherokee Indian by |
| Joel A. Barber | 39 | blood as is shown by proof here-
with filed. |

In witness of which I have set my hand on this 5 day of August 1896.

(signed) Joannah Barber."

Indorsed as follows: "Pd \$2.50 No.... Petition of Joannah Barber for and on behalf of herself and heirs."

TO THE HONORABLE HENRY L. DAVIS AND OTHERS COMPOSING THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Your petitioner, Joannah Barber, would state and show from the proof submitted to the Commission that she is a Cherokee by descent and by blood having been born in Carroll County, State of Ark. on the 5 day of Dec 1835. My father's name was John Petty. My mother's name was Elizabeth Petty, nee Dawson. That I now reside in the Cherokee Nation, and have resided there for 10 years. And she avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe. And she further avers that these facts being proved she is entitled to be adjudged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States, a citizen of such Nation, with all the rights, privileges and protection of citizenship in such Nation. Wherefore she herewith respectfully submits to the consideration of the honorable Commission such proof and on the hearing she be adjudged entitled to such citizenship and her name be placed upon the proper roll as a citizen of such Nation.

(signature Joannah Barber.

INDIAN TERRITORY,)
(SS
FIRST JUDICIAL DIVIS)

Now on this 5 day of Aug personally appeared before me W. J. Tatis a Notary Public in and for the said Territory, Joannah Barber, who being duly sworn upon his oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this 6 day of August 1896.

(signed) W. J. Watts,
(Seal)" Notary Public.

*(COPY)

In the matter of the claim of Joannah Barber nee Joannah Petty
to Cherokee Indian citizenship in the Cherokee Nation, Indian
territory.

Affidavit of S. R. Dawson.

Delaware District,)
Cherokee Nation,)
First Judicial Division,)
U.S. Court, Indian Territory. (SS

S. R. Dawson, to me well known to be reliable
and respectable, after being duly sworn according to law
states on oath, that he is a bona-fide citizen of the Cherokee
Nation by blood- that he is a resident of said Nation- that
his post-office address is Afton, I. T.; that he is fifty-one
years of age- that he is well acquainted with the claimant
Joannah Barber and has as long as he has known any person- that
she is of Cherokee Indian descent- that her maiden name was
Joannah Petty- that she was the daughter of one Elizabeth Petty,
a person of Cherokee Indian descent- that Elizabeth Petty's
maiden name was Elizabeth Dawson- that said Elizabeth Dawson
was the daughter of Polly Rogers, a person of Cherokee Indian
descent, who intermarried with Samuel Dawson, a white man- that
he said Polly Rogers was the daughter of Captain John Rogers
and Ailsey Vann both well known Cherokee Indians.

Affiant is not directly nor indirectly interested in the
result of this application.

(Impress of (signed) S. R. Dawson.
National Seal)

Subscribed & Sworn to before July 6 1892

(signed) T. P. Hubbard,
Notary Public."

"United States of America,
Indian Territory, (ss
First Judicial Division.

I, William F. Rasmus, a Notary Public within
and for the Judicial Division aforesaid, do hereby certify
that the next above in the within one page of an affidavit
is a true and literal copy of the original as presented to me
at Tahlequah, Ind. Terr., on the Third day of July A.D. 1893.

(signed) William F. Rasmus,
Notary Public, First Judicial Division, Indian Territory.
(Seal) My Commission expires Feby 3, 1897."

(A copy)

In the matter of the claim of Joannah Barber (nee Joannah Petty)

to Cherokee Indian Citizenship in the Cherokee Nation,
Ind. Ter.

Affidavit of E. Dawson,)
Coovercoovee District,)
Cherokee Nation,)
First Judicial Division,)
U. S. Court, Ind. Ter.)

E. Dawson, so well known to be reliable and responsible after being duly sworn according to law states on oath that he is a Bonified citizen of the Cherokee Nation by blood- that he is a resident in said Nation that his post office address is Talala, Ind. Ter.-that he is 38 years of age- that he is well acquainted with the claimant Joannah Barber and has been as long as he has known any person- that she is a person of Cherokee Indian descent the her maiden name was Joannah Petty- that she was the daughter of one Elizabeth Petty, a person of Cherokee Indian descent- that Elizabeth Petty's maiden name was Elizabeth Dawson- that said Elizabeth Dawson was the daughter of one Polly Rogers a person of Cherokee descent, who intermarried with Samuel Dawson, a white man, that the said Polly Rogers was the daughter of Captain John Rogers a well known Cherokee Indian.

Affiant is not directly nor indirectly interested in the result of this application.

(signed) E. Dawson.

Subscribed and sworn to before me this 24th day of February 1903

(signed) A. E. Williams,
Notary Public.

(Impress of
National Seal
here.)

Com. Exrs. Sept. 26/96.

United States of America,
Indian Territory, SS.
First Judicial Division.

I, William F. Rasmus, a Notary Public within and for the First Judicial Division, Indian Territory, do hereby certify that the next above and the within one page of an affidavit is a true and literal copy of the original presented to me at Tahlequah, Ind. Ter. this the third day of July A.D. 1903.

(signed) Wm. F. Rasmus.

(Seal) Notary Public, First Judicial Division: Indian Territory, My Commission Expires February 7, 1907.)

United States of America,
Western District of Arkansas, SS.

In the case of one Joannah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner U. S. Court within and for the District (Cherokee) duly authorized to administer oaths W. A. Dawson, to be personally well known to be reputable and entitled to credit, and who being by me first duly sworn according to law, deposes and

and says: My name is W. A. Dawson, my age is 52; my address: my post-office address Tulsa, Ind. Terry. I am a farmer by occupation, I am a citizen of the Cherokee Nation, I. T. by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: That he is personally well acquainted with the claimant, Joannah Barber- whose mother's name was Elizabeth (commonly called Betty) Petty, Dec'd nee Elizabeth Dawson, - a Cherokee Indian by blood, and who was the sister of his father; James Dawson, Dec'd, a recognized and acknowledged Cherokee Indian by blood- she was also a sister of Robert Dawson Dec'd a recognized and acknowledged Cherokee Indian by blood- said Robert Dawson having been a full brother to said James Dawson- that therefore the said claimant, Joannah Barber is his (affiant's) first cousin by Cherokee Indian blood and that he so recognized and acknowledged her.

(signed) W. A. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this third day of December A.D. 1894.

(seal)

(signed) W. F. Rasmus,
United States Commissioner."

"UNITED STATES OF AMERICA.)
Western District of Arkansas.)ss

In the case of Joannah Barber claimant for citizenship in the Cherokee Nation, Indian Territory, as a Cherokee Indian by blood, before Cherokee Indian authority at Tahlequah, Cherokee Nation, Indian Territory.

Personally came this day before me William F. Rasmus, a Commissioner of the U. S. Dist. Court within and for the District also named duly authorized to administer oaths Francis H. Dawson, to be made personally well known to be reputable and entitled to - - and who - - duly sworn according to law deposes and says: My name is Francis H. Dawson my age is about 57 years, my post-office address is Afton, Ind. Terry, I am a farmer by occupation, I am a citizen of the Cherokee Nation, by virtue of Cherokee Indian blood.

And affiant declares in relation to the above named case as follows, to-wit: I am personally well acquainted with the claimant Joannah Barber, whose mother's name was Elizabeth (commonly called "Betty") Petty, nee Elizabeth Dawson, a Cherokee Indian by blood, said Elizabeth Petty was a full sister of my father Robert Dawson Dec'd, a Cherokee Indian by blood- and I acknowledge the relationship by Cherokee Indian blood of Joannah Barber to me as first cousin- and I know that the said Joannah Barber therefore is of Cherokee Indian blood.

(signed) F. H. Dawson.

Subscribed and sworn to before me at Tahlequah, Ind. Terry this 17th day of November A.D. 1893.

(seal)

(signed) W. F. Rasmus,
United States Commissioner.

Indorsed on back as follows: "No. 1 Filed Feb 24 1897, Jas. A. Winston, Clerk."

"Page 21, Docket "B"

Joannah Barber.

Office Commission on Citizenship,

Tahlequah, C. N. August, 1887.

Docket. No. Names Age. Sex. Post Office. Atty.

| | | | | | |
|----|-----------------|----|--------|----------------------|--|
| 1 | Joannah Barber | 51 | female | Vinita, I. T. | |
| 2 | Ailey J. Barber | 34 | female | | |
| 3 | Irena Barber | 24 | female | | |
| 4 | Emma Barber | 22 | female | | |
| 5 | Atta Barber | 20 | female | | |
| 6 | Harv Barber | 13 | female | applicant for | |
| 7 | Onice Barber | 17 | female | Cherokee citizenship | |
| 8 | Joel Barber | 31 | male | Rolls 1835 | |
| 9 | Callaway Barber | 27 | male | | |
| 10 | Toliver Barber | 20 | male | Ancestor | |
| 11 | Riley Barber | 15 | male | | |
| 12 | Edgar Barber | 9 | male | | |

V.S.
Filed Aug. 13, 1887.

John Rogers &
Aley Pruett

See decision this case in that of L. R. Dawson,
adverse to claimant in this Book page 20.
This April 26th, 1889.

D. S. Williams,
Clerk cor.

Will. P. Ross, Chairman,
J. E. Genter, Com."

"S. R. Dawson.

Office Commission on Citizenship,

Tahlequah, C. N. Aug. 11th, 1887.

Docket. No. Names. Age. Sex. Post Office Atty.

| | | | | | |
|----|--------------------|----|--------|----------------|--|
| 1 | S. R. Dawson, | 60 | | Catoosa, I. T. | |
| 2 | Parlee Dawson, | 44 | female | | |
| 3 | America J. Dawson, | 35 | female | | |
| 4 | Katherine J. " | 35 | female | | |
| 5 | J. C. Dawson, | 31 | male | | |
| 6 | Elias F. Dawson, | 29 | male | | |
| 7 | Toliver Dawson, | 27 | male | Applicant for | |
| 8 | Emma Dawson, | 20 | female | Cherokee | |
| 9 | Fanny Dawson, | 10 | female | Nation | |
| 10 | John Riley Dawson, | 11 | male | | |
| 11 | Robt. H. Dawson, | 9 | male | | |
| 12 | Clara Dawson, | 7 | female | | |
| 13 | Cleveland Dawson | 3 | | Ancestor | |

Filed Aug. 11, 1887.

John Rogers

Rejected April 26, 1889.

Now this day comes the above case for final hearing,
Samuel R. Dawson bases his application for re-admission to
Citizenship in the Cherokee Nation upon the ground that he is
the son of Samuel Dawson, a white man, Polly Rogers, the alleged
daughter of Captain John Rogers, and Chilney Pruett said to
be half sister of Joseph Vann, colonial known as rich and
who were of Cherokee blood. It is admitted that John Rogers and

Calley Barrett died before the Commission, and their names would appear as living at the time, as specified in the 7th Section of the Act of December 8th, 1886, creating the Commission on citizenship were made, but in support of the application it is urged that certain members of the Dawson family the full brothers of the applicant were admitted to citizenship by the Commission on citizenship commonly known as the "Teehee Court" and "Spears Court" and are now residing as citizens in the Cherokee Nation. In the opinion of this Commission the sufficiency of the consideration which determined the decision of those Commissions or the testimony now introduced to authorize the admission of the present applicant is not relevant to the issue now pending. The 7th Section of the Act of December 8th, 1886, be one named provides that the Commission hearing to any person applying for citizenship in the Cherokee Nation upon the grounds of Cherokee blood or descent, that such applicant must be a person, or the lineal descendant of a person whose name appears upon the census rolls of Cherokees taken by the United States, and hereafter enumerated, neither the name of the applicant nor that of the person of whom he claims to be a lineal descendant appearing upon either of said rolls, the Commission adjudge and decree that Samuel R. Dawson and family are not entitled to re-admission of citizenship in the Cherokee Nation as Cherokees by blood. This opinion includes the case of Andrew J. Dawson, James K. P. Dawson, Joannah Barber, nee Joannah Dawson, and Jane Queen, nee Jane Dawson and their families as enumerated in their respective applications.

Will. P. Ross, Chairman,
F. Bunch, Commissioner,
John E. Hunter, Commissioner.

This April 26th, 1889,
D. S. Williams, Clerk Com.

United States of America,)
Indian Territory,) ss.
Northern District.)

W. C. Rogers being duly sworn on oath deposes and says: that he is a citizen and resident of the Cherokee Nation, Indian Territory. That his post-office address is Skid-dock, Ind. Terr. and that he was born and raised in the above said Nation and Territory; that he is 46 years of age:

Affiant further states that he is slightly acquainted with Irene J. House, an applicant for admission to citizenship in the Cherokee Nation as shown by copy of her application.

Affiant further states that his father's name was Charlie Rogers- who was a son of Captain John Rogers and the said Capt. John Rogers was the only man of that name that ever lived in the Cherokee Nation that this affiant ever heard of; that the said Capt. John Rogers this affiant's grandfather lived at Grand Saline, I. T. and died in Washington, D. C.

This affiant states that his father Charlie Rogers had one sister and five brothers viz. Cynthia Rogers, Lewis Rogers, George Rogers, Nelson Rogers, Granvil Rogers and Randolph Rogers; that he (this affiant) was well and personally acquainted with the above said parties- except Granvil and Randolph Rogers, who were killed when this affiant was quite young.

This affidavit states that he was 24 years of age, when his father, Charlie Rogers died, that his father never had any other family (like in ink drawn through a word said that he or sisters than the ones above mentioned; that the said Polly Rogers named in the application for citizenship of Irene J. House, was not a sister of his father; that his father never had but one sister viz. Cynthia Rogers that this affidavit was heard of; that this affidavit was well acquainted with his aunt Cynthia Crump."

Just here the following is inserted on separate paper:

"EXECUTIVE DEPARTMENT OF
CHEROKEE NATION. I, John L. Adair, Executive
Secretary of the Cherokee Nation, do hereby certify that I
have compared the foregoing with the original record in this
Department, and that the same are correct copies and transcripts
therefrom.

In witness whereof I have hereunto set my hand and
affixed the Great Seal of said Cherokee Nation, at Tahlequah,
this, the 5th day of Feb. 1896.

(Seal) (signed) John L. Adair,
Executive Secretary."

Then the above affidavit continues:

"(nee) Rogers that she lived with this affidavit's father for
a number of years prior to her death.

Affiant states that he has often talked with his father,
Charlie Rogers and his aunt Cynthia Crump (nee Rogers) about
his relatives; that they never spoke of any other sister in
their family; that this affidavit was about 20 years of age when
his aunt, Cynthia Crump died; that they told him there never was
(words "never was" marked over with ink) father never had any
other daughter or daughter other than Cynthia Rogers.

Affiant states that his father told him a number of times,
that this affidavit's grandfather Capt John Rogers never had any
other family other than the one above mentioned; that this
affiant never heard his father Charlie Rogers or any of his
relatives speak of his grandfather Capt John Rogers owning or
running a boat up any river.

Affiant states his father Charlie Rogers was born on
Big Mulberry, South-east of Van Buren, Arkansas, in the year
of 1817.

Further affidavit said not.

Subscribed and sworn to before me on this the first day of
October, 1896.

(signed) William L. Hall,
Notary Public,

(seal) My Commission expires January 16th, 1900."

United States of America,)
Indian Territory,) SS
Northern District.)

Mrs. Sarah Carter being first duly sworn
states: that she is a citizen and resident of the Cherokee
Nation, Ind. Ter. and her post office address is Eligo, I. T.,
that she is 65 years of age.

Affiant states that she is the daughter of Charlie Rogers; that her grand father on her father's side was Capt John Rogers. Affiant further states that W. C. Rogers is her brother, and that she has read the foregoing affidavit of W. C. Rogers, and knows the contents thereof; that the facts therein set forth are true as she verily believes.

(signed) Sarah Carr, v.
Subscribed and sworn to before me this the first day of October, 1896.

William H. Hall,
Notary Public,

My Commission expires January 18th 1900."
(seal)

"Before the Honorable Henry L. Dawes, Frank C. Armstrong, A. S. McKenyon, T. B. - (have torn off) A. R. Montgomery, Commissioners.

In the matter of the application of Nation's No. 1573
Joannah Barber Commissioner's Co...
et al-
for citizenship in the Cherokee Nation.

Your respondent, S. H. Hayes, Principal Chief of the Cherokee Nation, comes now to depure the said application, and for the grounds thereof says:

1st. That the Commission has no jurisdiction over the parties or subject matter of this controversy, and not legal right, therefore, to hear and determine the same.

2nd. That the application does not state facts sufficient, if true, to show that the applicants are entitled to citizenship.

Respondent not waiving the aforesaid demurrer, but insisting upon the same for answer to said application, says the John Rogers through whom the petitioners claim to derive their right to citizenship in the Cherokee Nation, is not now, and has not been a citizen of the Cherokee Nation, since the removal of said Nation, west to the Indian Territory as it is now located and defined; that his name does not appear upon any of the authenticated rolls of said Nation; that neither he nor any of his ancestors now residing or ever have resided in the Cherokee Nation and Indian Territory, as citizens thereof.

Having fully answered, your respondent asks to be heard dismissed.

S. H. Hayes, Principal Chief Cherokee Nation.

By Hutchings, Hastings & Sandinet, Attorneys.

John L. Adair, Executive Secretary, Cherokee Nation, having been first duly sworn, states that the matter contained in the foregoing answer is true, to the best of his knowledge and belief.

(Signed) John L. Adair,
Subscribed and sworn to before me this, the 5th day of Oct. 1896.
(seal), (Signed) O. J. Hall,
Notary Public."

Indorse on back as follows: "1884 80 Nation's No. 1577, Commission's No..... In an application of No 2 Joanna Barber Demurrer and Answer Filed Mar 13 1897 Jas. A. Winston, Clerk/ Filed Oct 7 1896 W. H. Jacobway, Secy."

"PRIET.

BEFORE THE HONORABLE COMMISSION OF THE UNITED STATES OF AMERICA,

duly appointed and empowered to Act, under and by virtue of the Act of Congress of June 4" 1896, to hear and determine all claims for citizenship of the Five Civilized Tribes of Indians, to-wit:
Cherokee, Creek, Choctaw, Chickasaw and Seminole Indians.

In the matter of the application for citizenship in the Cherokee Nation, of Joanna Barber and her children, to-wit:

Onis E. Barber, William E. Barber, James E. Barber, Johnnie Barber and Joel A. Barber.

In the matter of the application for citizenship in the Cherokee Nation of Joel A. Barber and his children, to-wit: Mattie Barber, Toliver Barber, George A. Barber, Frankie O. Barber, Jesse Barber and Ethel Barber.

In the matter of the application for citizenship in the Cherokee Nation of Mary A. Barber and her child, to-wit: Inez Barber.

In the matter of the application for citizenship in the Cherokee Nation of Emma L. Murphy and her child, to-wit: Claude M. Murphy.

In the matter of the application for citizenship in the Cherokee Nation of Emma Moore and her children, to-wit: Anna J. Moore, Jackson D. Moore, Kelsey Moore and Gladys Moore.

In the matter of the application for citizenship in the Cherokee Nation of Albie L. Hunt and her child, to-wit: Dorman Hunt.

In the matter of the application for citizenship in the Cherokee Nation of Alcey J. Smart and her children, to-wit: Georgia A. Smart and Emory L. Smart.

In the matter of the application for citizenship in the Cherokee Nation of Joanniah J. Carlinghouse and her children, to-wit: Myrtle O. Carlinghouse, Cora L. Carlinghouse and Birtie L. Carlinghouse.

In order that the Honorable Commission may clearly and fully understand the proof and merits of the claim of the aforesaid claimants, we deem it necessary to present to the Honorable Commission, the genealogy of each of said claimants, to-wit:

Joanna Barber, whose maiden name was Joanna Petty, is a daughter of Elizabeth Petty, nee Dawson and a granddaughter of Polly Dawson, nee Rogers and a great granddaughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

BEST AVAILABLE COPY

Jool A. Barber is a son of Joanna Barber, nee Petty and grand son of Elizabeth Petty, nee Dawson and a great grand son of Polly Dawson nee Rogers and a great great grand son of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted. Mary A. Borer, whose maiden name was Mary A. Barber, is a daughter of Joanna Barber and grand daughter of Elizabeth Petty, nee Dawson and great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Ella Murphy, whose maiden name was Ella Barber, is a daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Emma Moore, whose maiden name was Emma Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the submitted proof.

Attie L. Hunt, whose maiden name was Attie L. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson and a great grand daughter of Polly Dawson, nee Rogers and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood, as shown by the submitted proof.

Alcey J. Smart, whose maiden name was Alcey J. Barber, is a daughter of Joanna Barber, nee Petty and a grand daughter of Elizabeth Petty, nee Dawson, and a great grand daughter of Polly Dawson, nee Rogers, and a great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Joanna J. Carlinghouse, whose maiden name was Joanna J. Smart, is a daughter of Alcey J. Smart, nee Barber, and a grand daughter of Joanna Barber, nee Petty and a great grand daughter of Elizabeth Petty, nee Dawson and a great great grand daughter of Polly Dawson, nee Rogers, and a great great great grand daughter of Captain John Rogers, who was a Cherokee Indian by blood as shown by the proof herein submitted.

Therefore, the Claimants pray the Honorable Commission, that after a careful examination of their application and an impartial investigation of the proof herein submitted, you will adjudge each of said Claimants, together with their aforementioned children, entitled to citizenship in the Cherokee Nation, and that you place the name of each Claimant, together with the names of their aforementioned children, upon the Cherokee roll, and that you grant to them all the rights, privileges and immunities of citizens of the said Cherokee Nation.

(signed) Hubbard, Carl and Watts,
Council for Petitioners."

Indorsed on back as follows: "No 3 Filed Feb 24 1897,
Jas. A. Winston, Clerk."

Commissioners,

Henry L. Dawes, Frank G. Armstrong, Archibald S. McKenney,
Thomas H. Cahaniss, Alexander B. Montgomery—H. M. Jacoway,
Secretary.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,
Vinita, Indian Territory, Oct. 2, 1896.

Joanna Barber,
vs.
Cherokee Nation.

Filed Sept. 2, Answer filed,
Application denied.

I, H. M. Jacoway, Jr., Secretary, do hereby certify that
the above and foregoing is a true and correct copy of Cherokee
Re ord A. page 227 of the Commission to the Five Civilized
Tribes.

Given under my hand and official signature this the 12
day of Feb. 1897.

H. M. Jacoway, Jr.,
Secretary."

Indorsed as follows: "1864 No. 4 Filed Feb 24 1897
Jas. A. Winston, Clerk."

"BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED
TRIBES.

Joanna Barber et al,
vs.
Cherokee Nation.

No. 1864.

AFFIDAVIT FOR APPEAL.

Now come the said Joanna Barber et al applicants for citizen-
ship in this case by W. B. Watts, one of their attorneys,
and pray an appeal from the decision of the Honorable
Commission to the United States District Court as provided
by the Act of Congress approved June the 10th, 1896.

And the said W. B. Watts, being duly sworn and acting
on behalf of said applicants says that the appeal prayed for
in this case is not asked for the purpose of delay but that
justice may be done the appellants.

(signed) W. B. Watts,
Sworn and subscribed to before me this 22nd day of December
1896.

(SRAL)

(signed) J. C. Lindsay,
Notary Public.

Commission expires March 22nd 1897."

Indorsed: "Court 1890."

Received of H. H. Macoway, Jr., Secretary of the Commission
to the Five Civilized Tribes, the original papers, in the case of
----- vs ----- Nation, as follows:

Witness my hand and official seal at Muskogee this the 20 day
of Feb'y 1897.
(SEAL)

(signed) J. Q. Vinton, clk."

Indorsed: "Court No. 1864, receipt for original papers
in the case of Joanna Barber et al vs. Cherokee Nation.
Received and filed this . . . day of . . . 189. . . Secretary."

IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY,
NORTHWEST JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Joanna Barber Onis E. Barber, William R. Barber, James
E. Barber, Jennie Barber, Joel A. Barber, Mary A. Barber,
Ema Moore, Attie L. Hunt, Alcey J. Smart, APPELLANTS.

VS

CHEROKEE NATION,

APPELLEE.

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION
TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause
and petition the Court to grant an appeal in said cause from
a decision of the Commission, known as the Dawes Commission,
created and empowered to treat with the Five Civilized Tribes
of Indians, to-wit: the Cherokee, Creek, Choctaw, Chickasaw,
and Seminole Indians, and to pass upon and decide applications
for citizenship in the said Five Civilized Tribes, which
decision or said Commission was rendered by authority of, but
not in accordance with, an Act of Congress passed and approved
June 16th, 1896, and by which decision on the 29 day of
October, 1896 the aforesaid appellants were denied their
rights to citizenship in the Cherokee Nation, Indian Territory.

The facts relied upon by the appellants to establish their
rights to citizenship in the Cherokee Nation, as aforesaid are
as follows: to-wit: The affidavits of E. Dawson, S. R. Dawson
W. A. Dawson, T. H. Dawson.

Said affidavits fully and conclusively establishing the
fact that said applicants are Cherokee Indians,
by blood and descent, and entitled to rights of citizenship
in the Cherokee Nation.

Said affidavits, together with the application, of said
appellants, were, prior to September the 10th, 1896, filed
with and submitted to said Commission for its investigation,
consideration and decision.

That a certified copy of said application, together with
the aforesaid affidavits, were served upon the Chief, or
Attorney General, of said Cherokee Nation, prior to September
the 10th, 1896.

The errors of the Commission in rejecting the claims for
citizenship of said appellants are the grounds for appeal
to this Court, to-wit:

FIRST. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

SECOND. The Commission erred in investigating the claims of appellants and denying same during the absence of a majority of the members of the Commission.

THIRD. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answers filed by the appellee and denying the appellants the right of filing a replication to appellee's answer or producing proof in rebuttal of the same.

FOURTH. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by the law and constitution of the United States.

FIFTH. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claim before the said Commission.

SIXTH. The Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by the appellants.

SEVENTH. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

EIGHTH. The Commission erred in deciding against blood, holding that blood was not a test of the right of citizenship in said Cherokee Nation.

NINTH. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in the said Cherokee Nation.

TENTH. The Commission erred in not entering upon their docket or record the grounds upon which the claims of appellants were denied and refusing to notify appellants the grounds of denial or rejection.

ELEVENTH. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

TWELFTH. That the Act of Congress approved June the 10th, 1896, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

THIRTEENTH. That Congress had no power by enactment to create, appoint and empower a judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Wherefore, the appellants of this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted the appellants, and that said appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before it in this cause to this Court, and that the Cherokee Nation, the appellee in this case, be cited to appear

at this Court and plead and defend against the appeal and show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

(signed)

W. R. Watts,
A. H. Garland,
W. J. Watts,

Attorneys for Appellants."

Indorsed on back: "Cherokee Citizenship Case, No. 90 No 5 Joanna Barber et al vs Cherokee Nation Filed Dec 23 1896 Jas A Winston clerk Watts, Garland & Watts, Attorneys for Appellants."

"SUBPOENS.

SC WGT

United States of America, }
Indian Territory, } ss.
Northern District.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Marshal for the Northern District, Indian Territory:

You are commanded to summon the Principal Chief of the Cherokee Nation, or the Attorney General of said Nation, to answer on the first day of next May term of the United States Court for the Northern District, Indian Territory, at Muskogee, Indian Territory, being the 4th day of May, 1897, A.D. 1897-- a petition praying an appeal from the decision of the Commission to the Five Civilized Tribes duly filed in said Court by Joanna Barber, Onis E. Barber, Tim R Barber, Jas E Barber, Jennie Barber, Joel A. Barber, Mary A. Barber, Emma Moore, Attie L. Hunt, Alcey J. Smart, who claim to be entitled to be enrolled as citizens of said Nation, to the United States Court for the Northern District, Indian Territory, which petition is now pending in said Court, and warn him upon a failure to answer petition within thirty days from the time of the service of this writ, the same will be taken for confessed, and you will make due return of this summons within ten days after the actual service of this writ.

Witness the Honorable William M. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 28th day of Dec. 1896 A.D. 1896--

(SEAL)"

(signed) J. A. Winston, Clerk.

"MARSHAL'S RETURN.

I received this summons the 28th day of December A.D. 1896 and served the same as follows: W. T. Hutchings, Attorney for the Cherokee Nation Indian Territory Accepted Service on the within at Muskogee, Ind Ter on this 12th day of January 1897

(signed) W. R. Watts

W. R. Watts

By Deputy."

PURCHASER
BEST AVAILABLE

Indorsed on back as follows: "Citizenship Case No. 22
No. 6... Nation... Surons... Atoms... Claims."

"Joanna Barber et al;
vs. No. 90.
Cherokee Nation.

Mr. H. A. Gibson, Special Master, to the said
case was referred, submit the following report:

'IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT, AT MUSKOGEE.

JOANNA BARBER ET AL)

-VS)-

: THE REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION:)

-----000-----

I, H. A. Gibson, Special Master herein, show to the Court
that under the General Order herein, I have examined the
proof and pleadings herein, which is hereto set aside and made
a part hereof, and what I find as follows:

I

This this cause was instituted on September 23d, 1896,
before the Dawes Commission to the Five Civilized Tribes, by
Joanna Barber, and Isaac J. Barber, her husband, and their
children, Onis E., William E., James E., Johnnie and Joel A.
Barber. That Joel A. Barber has the following children:
Mattie Toliver, George A., Frankie O., Jesse and Ethel Barber.
That the application included also Mary A. Rorer and her
child Inez Rorer, Emma L. Murphy and her child Glad Murphy,
Ella Moore and her children Anna J., Jackson D., Ruby and
Gladys, Attie L. Hunt and her child Dorcas Hunt, Albert J. Start
and her children Georgia A. and Erzey H. Start, Joanne J.
Garlinghouse and her children Myrtle G., Cora L. and Bertha
H. Garlinghouse. That this application was by the Commission
tried and rejected on October 29th, 1896, with no reasons
given for the decision, and that subsequently on December 27,
1896, the plaintiffs appealed to this Court. That the parties
all live in the Cherokee Nation, Indian Territory.

II

That the parties claim the right to be admitted to
citizenship in the Cherokee Nation by reason of their
descent from Polly Rogers, who is claimed to be a Cherokee
Indian by blood. That it is filed in support of their application
the affidavits of S. E. Dawson, E. Dawson, Francis H. Dawson,
and W. A. Dawson, who testify that Joanna Barber is the
daughter of Elizabeth Perry, nee Dawson, nee Rogers, daughter
of Polly Rogers, who was the wife of Samuel Dawson, and that Polly is the daughter of
Captain John Rogers and Ailsiey Vann. That the witnesses are
all Cherokee citizens by blood, and are of legal age.

claimants, and according to their testimony, related to them by blood.

The appellee introduces to controvert this testimony the decision of the Cherokee Commission on citizenship, rendered in the year 1897, in which these claimants were rejected by this commission and also the affidavits of W. C. Rogers a grandson of Captain John Rogers, and Mrs. Sarah Carter, a granddaughter of Captain John Rogers, both of whom state that they never heard of any daughter of said Captain John Rogers by the name of Polly Rogers, and that Cynthia Rogers was his only daughter.

III

The claimants contend that they are residents of the Cherokee Nation, and are relatives of the Dawson family, who are recognized citizens of the Cherokee Nation by blood, and are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal West; that his name does not appear on the rolls of the Cherokee Nation, and that he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

The premises considered, in view of the unsettled condition of affairs in the Cherokee Nation at the time when Captain John Rogers, the ancestors through whom these claimants trace their Cherokee blood, lived, and especially in view of the absence of a marriage law and of records pertaining to marriage, I am of the opinion that these claimants have proved that they are descended from Capt. John Rogers, who resided in the Cherokee Nation, and was a recognized citizen, though they do not show that he was ever enrolled as such, and I therefore find that the claimants are all residents of the Cherokee Nation, Indian Territory, and that they are all Cherokee Indians by blood. That they have resided in the Cherokee Nation since 1837, and probably longer, though the proof does not state definitely how long they have so resided.

I ask that the Court allow me a reasonable fee for my services here in as Special Master.

Respectfully submitted this 16 day of August, 1897.

(signed) H. A. Gibson,
SPECIAL MASTER.

by fee paid.

No Exceptions Filed."

BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the grounds that they are the descendants of a Cherokee Indian by blood, but their ancestors through whom they claim have never resided in the Cherokee Nation since constituted. It appears that they have resided in the Cherokee Nation since 1837, and probably longer, though the proof does not state definitely how long they have so resided. It does not appear that the claimants or any of their ancestors have ever been recognized as members of the Cherokee Nation.

The judgment of the United States Commission respecting this case is affirmed, and the application of the claimants

to be enrolled as citizens of the Cherokee Nation is denied."

Indorsed on back: "CC No. 7 Joanna Barber et al vs Cherokee Nation, Final Report of Special Master, Filed August 17, 1897, Jas A. Finston, Clerk."

Foregoing papers in Joanna Barber case enclosed in jacket indorsed: "No Joanna Barber et vs Cherokee Nation."

"NOTICE.

1890

UNITED STATES OF AMERICA)
INDIAN TERRITORY (SS
NORTHERN DISTRICT.)

In the United States Court for
said District.
In the matter of the application
of Joanna Barber et al to be
enrolled as citizens of the Cherokee Nation.

To the Commission to the Five Civilized Tribes.

You are hereby notified that an appeal has been taken in the matter of the application of Joanna Barber et al to be enrolled as citizens of the Cherokee Nation, from the said Commission, to the United States Court for the Northern District of the Indian Territory, and that your tribunal is requested by said Court to transmit at the earliest time practicable to said Court, at Muskogee, Indian Territory, a transcript of all the entries made in the docket of your tribunal relating to the case, together with the depositions and testimony taken before said tribunal; the decision thereof on the application, and all original papers relating thereto.

Witness the Honorable William H. Springer, Judge of said Court, and the seal thereof, at Muskogee, Indian Territory, the 23 day of Dec. 1896. A.D. 189---

(SEAL)

(signed) J. A. Finston, Clerk."

Indorsed: "No. 1864 Joanna Barber et al vs Cherokee Nation, APPEAL ORDER OF U. S. COURT."

Foregoing paper enclosed in jacket marked: "No. 1864."

BY MR. HUTCHINGS:

We now introduce the original record in the citizenship case of Irene J. House, et al., before the Commission in 1890, the court number of same being 230. said case being denied by the Commission; appealed to the United States Court, and the decision of the Commission affirmed.

In this case we desire to call especial attention to the certified copy filed therein of the testimony of Arthur Baker, the certified copy having been made in 1894, being the testimony of Dr. Baker in the case of Robert Dawson against the nation, number 108, before the Citizenship Commission, and which was made January 19, 1892.

BY MR. MCKENNON: To all of which the applicants object, because the same is immaterial, irrelevant and incompetent.

The 3 pers in Court No. 238, just introduced above, are as follows:

*Office of Commission on Citizenship,
Cherokee Nation, Tahlequah, January 19, 1882.

No. 108.

Robert Dawson et al

vs

Cherokee Nation.

Exhibit C.

Testimony for Claimants.

Witness, Dr. Arthur Baker sworn testified as follows:

My name is Arthur A. Baker I reside at Berryville Arkansas Carroll County. I am 73 years I am not a Cherokee. I lived in the Cherokee Nation about three years when I first came to Arkansas I have been acquainted with him since he became a citizen of Carroll County some 35 years - At my Mothers house near Calhoun I became acquainted with the claimants Robt Dawson grandbrother on mother's side she was frequently at my Mothers house though she Anna Pruett lived in the Nation side: She claimed to be a half sister to Big Joe Vann, also claimed to be half Cherokee, the first time she brought the claimants mother to my Mothers house she the mothers mother was about grown when I was a little boy. She called her daughter Polly Rogers, said Captain John Rogers who ran a boat up the River was the father of the child; I saw the girl frequently there at my mothers and there at Louis Russes Store.

I saw her occasionally until I was 15 or 16 years of old and I think then Old Capt. John Rogers took her off to school, I saw her no more from the time Old Capt. John Rogers took her off till I saw her here in Arkansas the wife of old Samuel Dawson, I stayed all night there and she and I had a talk over our old matters and I asked her where she became acquainted with Dawson and she said at the time she was going to school and she said after she left school that Dawson followed her home, to the Nation and they were there married. I have told that precisely in the words that she used, Capt John Rogers claimed to be one fourth Cherokee. The claimant is the son of Polly Rogers, and I know Polly Rogers to be the daughter of Anna Pruett and I know the claimant to be the son of Polly Dawson.

Capt. Rogers then reside in the Cherokee Country about twenty (word "twenty" marked through) twelve miles below Calhoun on the Hiwassee River Anna Pruett resided in the Cherokee Nation as long as I stayed there to Dawson when I got acquainted with them Arkansas were recognized where they were as Cherokees. Robert Dawson children is Wick, John, Marian and two girls. The children named in the petition I recognized as being the claimants.

Question by Solicitor:

- Q. 1 How many children did Polly Rogers have?
A. 1 Five I think that's all.
Q. 2 Did you say so about some one being married twice?
A. 2 The claimant was married twice.
Q. 3 Could Anna Pruett speak Cherokee?
A. 3 Yes, she could speak it well.

- Ques 4 Did Polly Rogers speak Cherokee?
 Ans. 4 She did when she was young.
 Ques 5 How far did you live from Anna Pruet?
 Ans 5 Just across the river about 3/4 of a mile.
 Ques 6 Was Calhoun in the Cherokee Nation?
 Ans. 6 It was on both sides of the river part in the Nation and part out in the state.
 Ques 7 Which Harnage was it went to Texas?
 7 George went first, then John went, they were the sons of old man Harnage, that lived up near the line.
 Ques 8 Did the claimant go to Texas?
 Ans. 8 No the claimant did not go to Texas.
 9 What connection was claimant and Polly Rogers?
 9 The claimant is the son of Polly Rogers.
 10 Where does claimant now live?
 10 He lives in Carroll Co Arkansas.
 11 Do you know what relation old Capt John Rogers was to Charles Rogers here in Cooveascoowee?
 11 They claimed kin but what kin I dont know there were two Capt John Rogers in the Nation I am speaking of the time when I first came to this country about the year 1830.
 12 Was Anna Pruet the maiden name of claimants grandmother?
 12 Yes that was her maiden name the Indian called her
 Sines
 his
 (signed) Arthur x Baker
 mark

Witness hand paralyzed is the reason why he signed by a mark thus x

I R T Hanks Assistant Executive Secretary do hereby certify that the foregoing document is a true and correct of the original as appears of record in the Executive Department of the Cherokee Nation.

Given under my hand and the seal of the Cherokee Nation on this the 5th day of December 1894.

(seal)

(signed) R. T. Hanks,
 Asst Exec Sec.

"To the Honorable the Dawes Commission on citizenship in the Five Civilized Tribes in the Indian Territory:

Your petitioner, Irena J. House, undersigned, respectfully states that she is a Cherokee Indian by blood, as asks to be enrolled as a member of the Cherokee Nation of Indians in the Indian Territory. That she derives her said Indian blood from Joashub Barber her father, who is a Cherokee Indian by blood. The said Joashub Barber being a daughter of Elizabeth Petty who was the daughter of Polly Rogers and Samuel Dawson, the said Polly Rogers being the daughter of Captain John Rogers and Anna (sister) Pruet, Cherokee Indians, as shown by a certified copy of the affidavits of Mr. Arthur A. Baker, which is hereto attached as Exhibit A and affidavits marked exhibits B, C, D, and E.

Your petitioner states the above facts as the lawful grounds for her application for citizenship in the Cherokee

Nation, and prays that her claim may be fully investigated by your Honorable Commission and that she be adjudged to be a citizen of said Cherokee Nation of Indians and entitled to all the rights and privileges pertaining to such citizenship in accordance with the laws and treaties with said Nation of Indians.

My age is 34 years. My Post Office address is Talala, Ind. Ter. My family consists of the following named persons: My husband and children as follows:

W. J. House, aged 34 years; Chas. C. House, aged 9 years; Winson T. House, aged 8 years, Anny W. House, aged 5 years.

WITNESS my hand this 19 day of August 1896.

(signed) Irene J. House.

Northern Judicial
District, Ind. Ter. SS.

Personally appeared before me, the undersigned authority, Irene J. House, to me known to be the petitioner in the above petition, who being by me first duly sworn upon her oath says that she is the petitioner in the above petition, that she has read (or heard read) the said petition and that the facts stated therein are true, as she verily believes.

(signed) Irene J. House.

Subscribed and sworn to before me at Talala, Ind. Ter. this 19 day of August A.D. 1896.

(signed) J. Barricklaw,

Notary Public, My Commission expires
June 8 1899."

(seal)

"Exhibit A.

Northern Judicial Division,
Indian Territory.

Joanah Barber being duly sworn according to law, on oath states: My name is Joanah Barber I am 61 sixty one years old My Post office address is Watova Ind Ter- My husband occupation is Farmer I am a Cherokee in Cooveescoowe Dist I am a Cherokee Indian by blood my mother being Elizabeth Petty (nee Dawson) Daughter of Samuel Dawson and Polly Dawson (nee Rogers) and said Polly Rogers is a daughter of Capt Rogers and Anna Vann (commonly called Alsey Vann) the following Irene J. House is my daughter; she was born in Williamson County, Texas May 13" 1863, moved with her husband children to the Indian Territory and settled near Talala I Terry

(signed) Joanah Barber

Subscribed and sworn to before me this 19" day of Aug. 1896.

(signed) J. Barricklaw,

Notary Public, My Commission expires
June 8 1899

(seal)

"EXHIBIT B.

Indian Territory,
Northern Judicial District SS.

F. H. Dawson being duly sworn according to law
deposes and says:

My name is F. M. Dawson; I am 54 years of age; my post office address is Afton Indian Territory I am a farmer by occupation and reside in the Cherokee Nation.

I am a recognized Cherokee citizen by blood. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my grandmother whose maiden name was Polly Rogers through my father Robert Dawson, my grandmother Polly Rogers was a Cherokee Indian and was married to Samuel Dawson my grand father in the old Cherokee Nation in Tennessee. My grand parents Samuel Dawson and his wife Polly came west from the Old Cherokee Country in about 1832 and settled in Western Arkansas and later came on to the Indian Territory and the father of this affiant Robert Dawson and family settled in the Cherokee Nation, Indian Territory, Robert Dawson, the father of the affiant was also a recognized citizen of the present Cherokee Nation by reason of his Cherokee Indian blood.

The said Robert Dawson father of this affiant and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of said Samuel Dawson and his wife Polly Dawson whose maiden name was Polly Rogers.

The said Elizabeth Petty was the mother of Joanna Barber who is a full cousin by blood of this affiant in the Indian side. The said Joanna Barber is the mother of Irene J. House nee Barber who is a second cousin of this affiant in the Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians by blood and drew their per capita money all the last payment; said citizens and relatives derived their Indian blood from the same source that the above named Irene J. House, derives her Indian blood and right.

This statement I have made to John H. Koogler, a Notary Public at Muskogee Indian Territory and it has been written down by him at my dictation. Such part of this testimony which refers to matters occurring previous to my recollection I know by means of family history and traditions which facts I have always been taught and told of by my parents and grand parents from childhood up, the facts stated as occurring since my childhood I know of my personal knowledge. Affiant further states that he is not personally interested in the prosecution of the application of said Irene J. House for citizenship in the Cherokee Nation.

(Signed) F. M. Dawson."

"Indian Territory,
Northern District.

I John H. Koogler, hereby certify that the annexed and foregoing statement and affidavit was dictated to me by F. M. Dawson and was subscribed and sworn to by him and was written by me from his oral statement at my office in Muskogee Indian Territory this 14 day of August 1896, and I further certify that the said F. M. Dawson is personally known to me and that he is a creditable person and entitled to belief.

(seal)

(Signed) John H. Koogler,
Notary Public."

Northern Judicial District,
Indian Territory.

EXHIBIT D.

5. Dawson, being duly sworn according to law on oath states: My name is E. Dawson; I am 61 years old; my post office address is Tillala, Ind. Terr. I am a Farmer by Occupation, and reside in Chickasaw County District- Cherokee Nation. I am a recognized Cherokee Indian by blood, and exercise all the rights and immunities of a Cherokee citizen now living in the present Cherokee Nation. I was born in Carroll County Arkansas near Berryville. I derived my Cherokee Indian blood from my Grandfather Paul Rogers through my Father, Robert Dawson. My grandfather Paul Rogers was a Cherokee Indian and was married to my grandmother Samuel Dawson in the old Cherokee Nation in Arkansas. My grandmother, Samuel Dawson and his wife Paul Dawson have maiden name was Mary Sawyer come West from the old Cherokee country in about the year 1832, and settled at Wagon Springs, and later came on to the Cherokee Nation. My Father Robert Dawson was a recognized member of the Cherokee Nation when he died. I am of his Cherokee Indian blood.

The said Robert Dawson, the father of this affiant, and Elizabeth Dawson who married John Petty were full brother and sister by blood, both being children of the said Samuel Dawson and Polly Dawson his wife she being the same Polly Rogers as aforesaid. The said Elizabeth Petty was the mother of Joann Barber who is a full cousin by blood of this affiant on the Indian side, the said Joann Barber is the mother of Irena J. House, whose maiden name was Irena J. Barber and a second cousin of this affiant on the Cherokee Indian side.

This affiant further states that he has seventy five to a hundred blood relatives who reside in the Cherokee Nation and are recognized Cherokee Indians of the present Cherokee Nation and exercise all the rights and privileges of such Cherokee citizens, they having drawn their shares of the Strip Money at the last time due in payment made by the Cherokee Nation.

Told citizens and relatives derived their Cherokee Indian blood from the same source, as did the above named Irene J. Fouse.

I have read the statement before J. H. Richardson, Notary Public in and for the State of Texas, and do hereby certify that he is a Notary Public in and for the State of Texas, and that he is the person who has signed the statement in the captioned case, and that he is the person who has signed the statement in the captioned case, and that he is the person who has signed the statement in the captioned case.

Substitute and amend to before as follows: "and August 1896"

"Cherokee Nation,
Cooweescoowee District.

EXHIBIT E.

Before me the undersigned authority this day, personally appeared W. A. Dawson who is to me well and personally acquainted, and after being duly sworn: deposeseth and says, that he is well acquainted with Irena J. House and knows she is a Cherokee Indian, and that he knows she is the daughter of Joanna Barber, who is a neice of Robt. & James Dawson, who are both Cherokee Indians and recognized citizens of the Cherokee Nation.

Affiant further states that Irena House is the grand daughter of Mrs. Petty, who was a full sister of Robt & James Dawson.

Affiant further says that he knows that Irena House is a lineal descendant of Annie Dawson whose children (line drawn through word "children") sons, Robt & James before spoken are recognized citizens.

Affiant further says he has no interest in this suit.

(signed) W. A. Dawson.

Sworn and subscribed to before me this 17 day of August 1896.

(signed) William Lynch

Notary Public.

(Seal) My term expires Feb 6 1900."

Foregoing indorsed on cover as follows:

"No: 3089 5464 Before the Dawes Commission on Citizenship in the Five Tribes. Irene J. House V.S. The Cherokee Nation. Petition and Proof, Will E. Linton, for Petitioner. Filed Sept 8 1896 A. S. McKennon, Com'r. Denied. Filed Feb 26 1897 Jas A. Winston clerk."

"Received of H. H. Jacoway, jr., Secretary to the Commission to the Five Civilized Tribes the original papers in the cause of vs..... Nation, as follows.....
Witness my hand and of ficial seal at Muskogee this the 26 day of Feb' 1897 J. A. Winston, Clerk."
(Seal)"

Indorsed: "Court No.233 No. 5464 Receipt for original papers in the case of Irena J. House vs. Cherokee Nation, Received and filed this day of..... 189..."

"Irene J. House et al,
vs. No. 233
Cherokee Nation.

Mr. H. A. Gibson, Special Master to whom this case was referred, submits the following report: (Insert report)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY.

NORTHERN DISTRICT AT MUSCOGEE.

IRENE J. HOUSE ET AL

VS.

238 REPORT OF SPECIAL MASTER.

THE CHEROKEE NATION.

-----000-----

I, M. A. Gibson, Special Master herein, show to the Court that under the general order herein, I have examined the proof and pleadings on file in this case which are made part of this report, and that I find as follows:

I

That this case is in reality a branch of Case No. 90, Joanna Barber vs Cherokee Nation, the principal claimant herein being Irene J. House a daughter of Joanna Barber.

That this cause was instituted on September 3, 1896 at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood to the Cherokee Nation.

That this case was tried by the said Commission on November 24, 1896 and the applicants denied, no reasons being given for the decision, and that on January 10, 1897, the parties appealed from said decision to this Court.

That this application was made by Irene J. House, her husband, W. J. House, and their children Chas., C. Winston T., and Henry W. House. That they file in support of their application the affidavits of Joanna Barber, T. F. Dawson, Arthur A. Baker, E. Dawson, and W. A. Dawson. That these Dawson witnesses are citizens by blood of the Cherokee Nation, and state that they are related by blood to the claimants herein on the Cherokee side. The claimants base their contention of a right to Cherokee citizenship upon the fact that the claimant Irene J. House is the daughter of Joanna Barber, who is the daughter of Elizabeth Peter, who was the daughter of

Polly Rogers, and that Polly Rogers was the daughter of Captain John Rogers and Ailsay Vann, who were recognized Cherokee citizens by blood. That the testimony shows that this Dawson family are recognized citizens of the Cherokee Nation, and that the claimants herein are cousins by blood with the Indian side, and that they claim through Captain John Rogers, Polly Rogers and Captain John Rogers and Ailsay Vann, who were all recognized Cherokee Indians.

II

The appellee stated in defense to the application of these claimants to the Cherokee Commission on citizenship in the year 1897, and the rejection of the claimants, and further that of Captain John Rogers, and Mrs. Sarah Carter, a grand daughter both of whom state that they never heard of any daughter of Captain John Rogers by the name of Polly Rogers, and that he had only one daughter, whose name was Cynthia.

III

The claimants contend that they are residents of the Cherokee Nation and are relatives of the Dawsons, who are

recognized citizens of the Cherokee Nation by blood, are entitled to be admitted to the Cherokee Nation as citizens by blood, while the appellee contends that John Rogers, through whom the petitioners claim, is not now and has not been a citizen of the Cherokee Nation since the removal west. That his name does not appear on the rolls of the Nation, and that neither he nor his ancestors ever resided in the Cherokee Nation as citizens thereof.

IV

The premises considered, I find that the claimants and the descendants of Captain John Rogers, and that it was entirely possible that in the condition of affairs at that early date in the Cherokee Nation, especially owing to the absence of a marriage law and of records pertaining to marriage, that these claimants should be the descendants of Captain John Rogers by a daughter, Polly Rogers, of whom the affiants for the appellee may never have heard.

I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since 1875, and that they are Cherokee Indians by blood.

I ask that the Court allow me a reasonable fee for my services herein as Special Master.

Respectfully submitted, this 9 day of Nov 1897.

(signed) H. A. Gibson,
Special Master.

My fee paid,
No exceptions filed."

Foregoing papers indorsed on cover as follows: "238, Irene J. House et al V Cherokee Nation. Final Report of Special Master, filed Nov 10 1897 Jas A. Winston, Clerk."

Foregoing papers enclosed in jacket indorsed as follows: "238, Irene J. House, et al vs. Cherokee Nation."

BY MR. HUTCHINGS:

"Well we close for the present.

TESTIMONY INTRODUCED ON BEHALF OF THE APPLICANTS:

D. W. C. DUNCAN, being first duly sworn, and being examined, testified as follows:

BY MR. McKENNON:

- Q Please state your name, age and residence? A My name is D. W. C. Duncan, my age is 72 years, my residence, Vinita, Indian Territory.
- Q Are you a duly recognized citizen of the Cherokee Nation by blood? A I am.
- Q You gave testimony in this case once before. Did you not, before the Dawes Commission? A I did.
- Q Before this Commission I will say, this Commission? A The Dawes Commission? A Yes I don't recollect who the Commissioner was, that was taken at Vinita, ex parte.
- Q Were you in any way connected with the Cherokee Citizenship Commission in 1883 known as the "Tehee Commission"? A I was Clerk of that Commission.

Q For what length of time? A I don't recollect the exact length of time, I think it was about thirty days, during the existence of that Commission, existence of that Commission.

Q You were the only clerk it had during its existence, were you? A I think I was.

Q You were Clerk of that Commission when it rendered a decision in favor of Robert Dawson et als, as found on page 114, of the record, numbered 108 (witness examines record referred to.) now in the possession of this Commission? A I was.

Q The members of that Commission were the same as shown on the signatures to this judgment were they? A The same, yes, sir.

Q Thomas Tehee, President of the Commission, Alex Wolfe and T. J. Thompson, Commissioners, that is correct, is it? A That's correct.

Q Were you present when this case was under consideration by the Commission and when it rendered this judgment in the case? A I

Q Were you at that time acquainted with F. M. Dawson, commonly called "Bud Dawson", Campbell Taylor and Samuel H. Benge, who were attorneys, who were Cherokee attorneys at that time? A I might say that I merely knew Mr. Dawson; all I know of him was that he was there as a party to the suit. I knew Mr. Taylor and Mr. Benge more extensively; I have known them a number of years.

Q They were recognized Cherokee citizens were they? A They were.

Q Was Taylor not known generally as a Citizenship Attorney?

A I think he was.

Q Do you remember seeing him and Benge present at the time this case was under consideration by the Court? A Why I do not recollect seeing Mr. Benge, I cannot recollect, but I can recollect of seeing Mr. Taylor about the Court room now and then.

Q Do you know who submitted the case to the Court for the applicants? A Let me understand the meaning of that: who brought the case?

Q Who called up the case? A No, I don't recollect.

Q Do you remember whether that Commission rendered any other decision than that found upon this record in that case? A I never had any knowledge only that one decision.

Q Was that in favor of or against the applicants? A It was in favor of them; I will say this: that if there was another decision other than the one that appears on the docket now before you, I have no recollection of it.

Q The only decision you have any knowledge of was recorded by you in this book as here shown was it not? A That is the only one that I have any knowledge of.

Q Did Bud Dawson pay you any money in connection with that case? A He did not.

Q Did he ever promise to pay you any money for your influence with the Court in that case? A Never.

Q Or did you any money, either directly or through any other person? A For my influence in that case?

Q Yes, sir? A Never.

Q Did you have any knowledge of his having paid to the Court or to any member of the Court any money for the purpose of obtaining their judgment in that case? A None whatever.

Q Did you have opportunity of observing his conduct during that Court at the time? A The only opportunity that I had was during the session of the Commission; I saw him very little of him during the recesses of the Commission; now and then I could see him in passing.

Q Did you see anything in his conduct toward that Court which indicated that he had used undue influence in procuring that judg-

ment? A I never observed anything of the kind; nothing that awakened a suspicion in my mind that he was engaged in that kind of practice.

Q Did Campbell Taylor at any time after the rendition of that judgment pay to you any money as coming through him from him for any services which you had rendered to him in that case?

A Yes, he paid me some.

Q What amount? A My recollection is that, I think it was a twenty dollar bill. I don't know but I had better go and state the transaction, all about it.

Q Yes, sir. A Mr. Dawson, Bud Dawson, during the trial of the case occasionally applied to me at my desk for writing paper, issue of a subpoena or transcript, something of that kind; I always treated him with courtesy and proper official consideration. He seemed to appreciate it, and whenever I did services of that kind to him, says he, I have no money, Mr. Duncan, but I feel I ought to pay you. I told him I made no charges for work of that kind. And in passing I might state that I never received a cent for any kind of that work which I had been in the habit of doing for various parties before the court.

After his trial was concluded, in the afternoon a little while before supper time I went to my hotel, The National Brick Hotel in Tallahassee; went to my room, felt a little tired, laid down upon the bed to rest. I recollect Mr. Duncan stepped into the room, drew a chair up to the bedside and sat down and commenced giving expression to his gratification at the success of his case, dwelling mostly upon the testimony in the case being so satisfactorily established, his Cherokee blood, and that he thought that he was entitled and that he had received justice by the court. I listened to him, and we talked there I guess some ten or fifteen minutes; after a little he says, I must go to-morrow, I think he says to-morrow, I must go home, - he then lived down in Arkansas somewhere. Says he, Mr. Duncan, I believe I owe you something, ought to pay you something. Alluding, as I understood, to those little courtesies that I extended to him at my desk. Says I, I make no charges, Mr. Dawson, for services; if I have done you any good you are welcome. Well, says he, I feel indebted to you, I ought to pay you. I says, that makes no difference; I will leave that to you. Says he, I have hardly enough money to get back home. He shook my hand, and the last word he says to me, you shan't lose anything for your kindness to me; I thought he had reference to my services at the desk. That was the last I saw of Mr. Dawson, oh it must have been a year afterwards; I had located a little claim on the public domain up there in Delaware District, staked off what I intended to be a farm, rarely stakes, I didn't make any other improvements, over there on Horse Creek. Went over in that part of the country to look after my claim, and I ran across Mr. Dawson, he had come into the country and located and built him a little shanty and was living in it; I called upon him, he was very glad to see me; I asked him what he was doing there; he said he had moved into the country, and I told him, says I, you are encroaching upon me here; he had spread his claim over part of mine, mine had been made so long it was outlawed under Cherokee law. Well, says Mr. Dawson, I don't feel like doing you any wrong, I will pay you for your claim, and he will settle the matter in that way, that as soon as he got his little matters together that he would satisfy me for it. Well, he started at that point. It ran on then for a long time, I don't know how long; - I think I met him in Vinita, and says he, did Camp Taylor pay you any money that I sent to you? Says I, No, I have not seen Camp Taylor.

Well, says he, I gave him some money and told him to hand it to you for me, and, says he, you ask him and he will hand it over. I guess. Well we parted then. Well, went on for some time, some months; I happened to meet Mr. Taylor in Tahlequah; I met him on the street I think, jocularly I slapped my hand on his shoulder, says I, look here, did Mr. Dawson any money to me by you? He says, yes, and he pulled out what I recollect to be a twenty dollar bill, and handed it to me; I received it, and I received it with the idea that he was compensating me for taking my claim, or possibly for doing him those little services in the Court. Now that is the sum and substance of the whole thing.

Q Was not that twenty-five dollars, Mr. Duncan? A It might possibly have been, my recollection does not serve me exactly, it might have been 25 dollars.

Q Did Campbell Taylor pay you any other money as coming from Mr. Dawson? A Never a cent.

Q Did he at one time pay you fifty dollars out of a hundred dollars which he had received from Mr. Dawson? A Never.

Q Did he on a second occasion pay you fifty dollars out of one hundred dollars which he claimed to have received from Mr. Dawson? A None at all.

Q He paid you no other money than that you have already stated, from Mr. Dawson? A Not a cent.

BY MR. MCKENNON: We offer in evidence the judgment of the Cherokee Citizenship Commission before referred to, and ask that

it be filed in evidence in the case of every application made by members of the Robert Dawson family who claim under it, or through Robert Dawson, as citizens of the Cherokee Nation, said judgment being found on page 114, Records of the Texas Court, 1880 to 1884, case number 108, judgment dated January 11th, 1883, signed by Thomas Tehee, President, Alex Wolfe, T. F. Thompson, Commissioners. D. W. C. Duncan, Clerk Commission.

The said judgment just introduced is as follows:

"Office Commission on Citizenship,
Tahlequah, C. N., September 24th, 1881.
No. 108

Robt Dawson,
Elbert Dawson,
Jasper Dawson,
John Dawson,
Josephine Dawson,
Joseph Dawson,
Jane Dawson,
Kelly Dawson,
Wilbron Dawson,
James Dawson,
Rial Dawson,

Petition for Citizenship

vs.

Cherokee Nation.

Continued by the Plaintiff, Oct. 8, 1881.

January 13th, 1883.

The above case continued by the Cherokee Nation till 1882.

term. Agreed by the parties that the above shall not be taken up for final disposition before the 4th day of Nov. 1882.

October 4th, 1882.

It is agreed by the parties that this shall be finally disposed of at the next January term if the plaintiff is present demanding the same, if not, the case shall be then continued to the September term, 1883.

On this agreement, Commission continues the case till the next January term to-wit, January 1883.

And now this the 11th day of January A.D. 1883 this case coming on for final trial, and all the evidence produced in the case being carefully read and fully considered by the Commission it was adjudged and determined by the Commission on citizenship that the plaintiffs, Robert Dawson, F. H. Dawson, Albert Dawson, Harter Dawson, John Dawson, Joseph Dawson, James Dawson, Holly Dawson, Wilbur Dawson, and that they are entitled to all the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that they should be, and they are, hence admitted to the full and complete enjoyment of the same in all respects as native born Cherokees.

(signed) Thos. Teece,

President of Com.

D. W. C. Duncan,

Alex Wolfe,

) Commission,

Clerk of Commission.

T. F. Thompson,)

and.

Transcript issued to claimants, January 11th, 1883.

(signed) D. W. C. Duncan, Clerk.

Marshall Notes: "Case submitted by claimant J. Henry and 1883. Case submitted by Solicitor January 11th, 1883."

Q Do you remember how many members of the Court were present when this judgment was rendered, or were all of them? A My recollection upon that point is not positive, but I think by observation upon what I know to be the practice of the Court at the time, seeing the names of all these Commissioners there, I can say with a great deal of positiveness that they were all present, because I never signed the name of one of the Commissioners unless he was present, assenting to it or directing it.

Q The rendition of that judgment then was concurred in by all of the three judges? A It was.

Q Mr. Duncan, if there had been a decision rendered the day before in this case while the Court was in session, adverse to these claimants, would you have known it? A I certainly should have known it.

Q Was there any such decision of the Court? A None to my knowledge. I can say positively there was not.

Q How many of those judges are now living? A Only one.

Q Whom? A Mr. Thompson.

Q Teece and Wolfe are dead? A Teece and Wolfe are dead.

Q How long have they been dead, do you know? A I do not know. Quite a number of years. I wasn't living there, never lived near them when their death occurred, and their death occurred perhaps a time before I got knowledge of it. It is generally understood that they are dead.

BEST AVAILABLE

Q Do you remember to have seen any other sort of the Dawson case about the Court at that time than what Dawson? A I have been thinking, and I can't call to mind that I ever saw any other Dawson except that, until after they came into the country subject to the rendition of the judgment.

(At this point a party who has been sitting in the room in which the examination is being held, is called forward, sworn on behalf of applicants, and asked to retire until called.)

BY MR. HUTCHINGS:

Q Mr. Duncan, when did you become clerk of the Texas Commission Court? A It must have been somewhere in December, 1884, at the time the Commission was organized immediately at the close of the Council in which they were appointed.

Q December 1884? A I think so.

Q What are you doing rendering judgments here in your handwriting in 1883? A The Commission held its Court after they were elected sometime.

Q The Court was elected in 1881 wasn't it? A Well, I can't say, I don't pretend to say when the Court was elected, I might have said at the time I was chosen clerk, I was chosen clerk just at the close of the session of the National Council of that year.

Q '84? A I think it was '84.

Q You entered in this judgment rendered January, 1883? A Yes, that was the session of the Commission.

Q That was before you were clerk of it? A Well I held my clerkship for some time you know continuously.

Q Well but when you were to say that you were their clerk when the Dawson case was passed on? A No, I don't mean to say that.

Q How could you be clerk when the Dawson case was passed on in 1883 when you were not elected until 1884? A I am mistaken in that, '84 comes after '83, - it was the year preceding 1883, it must have been '82.

Q Your first entry in the Dawson case is January 13, 1882, isn't it?

Q I don't recollect what my first entry was. (Attorneys show the record to witness) Yes, that is the entry there on that day.

Q And that was shortly after you became clerk wasn't it? A Yes, shortly after I became clerk.

Q The case had been entered upon the docket before you became clerk? A I think so, yes; it was entered at the previous term of the session of the Commission.

Q In whose handwriting was the names of the three Commissioners signed to that judgment? A Dawson Judgment?

(Attorney shows record to witness again) A That is my handwriting.

Q All three names? A All three names.

Q The record there shows that you immediately gave that that day a transcript of the judgment, do you know who signed that? A Signed the transcript?

Q Yes, sir. A I do not recollect now, this is, did the writing?

Q Signed the names to it? A Yes, that's it.

Q You always signed the names of Jones and Wells didn't you?

A I think I did pretty generally; I don't know of their attempting to write their own names.

Q When Mr. Thompson was there didn't he sign his own name? A Sometimes he did, sometimes he simply authorized me to do it.

Q Have you any recollection of his authorizing you to do it except from the fact that you have done it on that record frequently?

A I can't recall the parties for literal lack of authorization, but I can say positively that, consulting the record, that he authorized me to put his name there.

Q Will you look at the original transcript hereby shown you and referred to in the judgment and say who signed the names of the Commissioners there? A (Papers shown to witness) A I signed them there.

Q You recognize that as your handwriting? A I do.

Q What made you when you were testifying at Vista before Mr. Martin, on looking at the same signatures, and being cross-examined by me, say that it was not your signature and that the signature thereto attached was the signature of Mr. Thompson? A Occurred in this way: I had not seen any of the records in the case for about nineteen years. The exact transaction in the court had vanished about entirely from my memory. I recollected at that time, however, when I gave in my testimony before the Commissioner, Martin, that that was a practice of the Court at the time I served by which I signed the names of the full-blood members of the Commission, and Mr. Thompson either uniformly or occasionally signed his own name. I based my statement in that deposition upon my knowledge of the rule or practice in the Court, without comparing the docket and refreshing my memory. I made an incorrect statement when I said that that was not my handwriting; I am convinced now that it is my handwriting. That is the way it occurred, the way it happened.

Q Then you consider your recollection of the fact that Thompson when he was present and rendering a judgment signed it himself, better than your own knowledge of your own handwriting?

A No, I didn't so regard it. I simply spoke without advisement when I gave in that testimony; I subsequently became better informed and concluded that that was my handwriting, and not entered by Mr. Thompson under the rule, but was one of those cases in which he authorized me to do it myself, and I did it.

Q Then you have changed your testimony, because you think you have a better knowledge of the surrounding facts now than you had then, and not from the fact of your judgment on your handwriting at present? A I simply corrected my testimony in reference to my statement in regard to this handwriting, this case.

Q And you wouldn't know then as I understand you whether or not that is your handwriting if it was not refreshed by what you consider to be exterior facts? A I should know it by examining it and thinking over the circumstances, I think I should recognize my own handwriting, but if a question should be propounded instantaneously without any advisement or preconsideration I might make a mistake.

Q You did recognize the names of Thomas Tehee and Alexander Wolfe as being in your handwriting at that time? A I was very clear and positive, and so stated, that the names of those Commissioners were in my handwriting, and I was made certain by reflecting on the rule that they never signed their names with their own hand, but always authorized me to do it. Hence there is no question in my mind in regard to my handwriting in their signatures.

Q And then the third name, right under it, as compared with your admitted handwriting, you had to wait and learn the facts afterwards to determine whether that was your signature or not? A No, I don't think that if I had considered the circumstances, I knew that there was a resemblance; what made me of the opinion that that might have been Mr. Thompson's signature was like this: I think that he had been in the habit of at least sometimes signing his own name, and I was under the impression—and I do not now think I am much deceived—that his chirography to me at least bore a resemblance to my own, hence I doubted whether I had signed that name or not, and that is all.

Q You were asked somewhat at that time if your testimony by the fact that Mr. Thompson also swore that that was his handwriting and not yours, didn't he? A Mr. Thompson I stated, that that was my handwriting, set by him to see to ascertain whether I was not mistaken or not, and after so long a time I concluded that I was.

Q And he stated, and you too didn't you, that he always signed the original himself when he was present? A I do not recollect that I stated, that I used the word "always", at that time, but at the time I was examined when the deposition was taken by him, it was that he did, but when I come to reflect and examine the deed, I was convinced that I was wrong, that occasionally I signed for him.

Q Then you never found out that your testimony given so, that like a year and a half ago was wrong until you examined the deed at day before yesterday, and compared yours and Thompson's signatures? A I don't know that I have thought of it since that time until yesterday of day before the examining the deed.

Q He the only recollection that you have got and the only aid to your recollection that Thompson was present when this judgment was rendered was the fact that you and he had signed to it, in your handwriting, is it? A As a fact, -

Q You can answer that yes or no? A That seeing the handwriting, aside my recollection and I recollect now that the court is there, and all present at the time that I signed it, I didn't, their names out of court at all.

Q Was it in the forenoon now or in the afternoon? A I don't recollect whether it was in the forenoon or afternoon.

Q In recollecting that they were all present when the record was signed, do you mean to say that they were all present when the judgment was rendered? A Yes, that is, you read when the question of admission or rejection was voted upon?

A Yes. A They were present.

Q Did you take up the record at the time that they rendered the judgment, or have a memorandum of it, written write up the judgment some days afterward? A The record was not written up immediately upon the decision of any case, but I wrote up the record after adjournment, generally in the evening, and presented it next day or when the next session was had, for signature; that was the practice.

Q But in this Dawson case you wrote it on the very day that it was rendered didn't you? A I didn't recollect as to that.

Q And gave them a transcript the very day it was rendered?

A I don't recollect as to that.

Q And indicated the giving of the transcript on the bottom of the judgment the day it was rendered? A I should say it was given at the date of the transcript.

Q That was a very unusual thing for you to do in entering up judgments? A To do what?

Q To note on the bottom that you had given a transcript the same day the judgment was rendered? A No, I don't know that there is anything unusual about that.

Q Any other places in that record or more than one in any event that you have ever done that? A I don't recollect, and I don't recollect of giving anybody else a transcript.

Q That is what I am getting at: you gave them a transcript and wrote up your judgment and everything right away? A Pretty promptly after the decision; whether it was the same day or the evening, and signed next day, I don't recollect.

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BEST AVAILABLE

IS NOW BRING THE HOUR OF NOON, 12 P., THE COMMISSION
ADJOURNS UNTIL HALF PAST ONE P. M.

AFTERNOON, TIME 1:45, P. M.,--APPEARANCES,--same as in fore-
noon: D. W. C. DONOHUE again on the stand.
BY MR. HUTCHINGS:

- Q. Do you remember what witnesses were before the Court? A. I
can't recollect now distinctly except Dr. Baker, I believe. I
think because of the length of his testimony at the time it took
to take it.
- Q. The Doctor was about the only distinct witness there was? A. He
is the only one now that I can call to mind.
- Q. There was probably another old darkey that testified was not
there? A. I have no recollection to that effect.
- Q. The case was just decided really on Doctor Baker's testimony,
he is about the only man that knew anything about the case? A. I
am not certain that Dr. Baker was the only witness; might have been
others that has now escaped my recollection.
- Q. Doctor Baker's testimony was taken down in writing? A. Yes.
- Q. There was not anybody else taken down in writing was there?
- A. All the testimony that was accepted in the case was taken down
in writing.
- Q. Did you ever see anybody's else testimony in writing except
Dr. Baker in that case? A. That is not as I recollect, I can't
recollect any other but Dr. Baker's.
- Q. You know whether that was taken immediately before the trial
or at the trial or how was it? A. It was taken in the presence
of all three Commissioners during the session of the Court.
- Q. You mean the day that the case was decided or how? A. I do not
recollect whether the case was on trial more than one day, but my
impression is that it was.
- Q. Do you know whether it was the same term of the Court or not?
- A. I think it was the same term of the Court.
- Q. How many terms a year did that Court have, when and how long
they last? A. I don't recollect of but serving but one term.
- Q. Don't recollect the serving but one term? A. Myself, it seems
to me so.
- Q. You didn't go in until January of 1893 did you? your first
record is a record of about the 13th of January 1893, as shown
on the book, isn't it? A. I don't recollect in that regard.
- Q. How would they take testimony in the case, then continue it, or
how would they generally do about that? A. I think they decided on
the case at the term in which they took testimony.
- Q. Can you say whether or not this testimony was taken in this case
at the time it was decided or at the same term it was decided, or
within a week or two of the time it was decided? A. My own recol-
lection is that it was taken at the term in which it was decided;
once was taken up, testimony heard that the decision was made at
the conclusion of the testimony.
- Q. Well now, I see on October 4th, 1892, on your handwriting, the
following entry reads: "It is agreed by the parties that this
case shall be argued on or before the next January Term," and on
January, 1893, "If the plaintiff is present on the day of the
trial, the case shall be continued to the September term."
Is it of this case that the decision continued to be made at the
next January term, 1893? A. Yes, that is what I should think you had

January and a September term; and this decision was rendered in the January, 1888 term. Was Baker's testimony taken during the January, 1888, term, at the time this decision was rendered? A I find it impossible for me to recollect those facts that are recorded there; although I can say about that, that the record shows the correct statement of the facts; but I can't recall those facts.

Q Well there is a record here that this case was continued on the 13th day of January, 1888, upon agreement that it should be taken upon the 4th day of October, 1888; your record shows that there was nothing done in the case from January 13th, 1888 until October 4th, 1888; would you say that was correct? A I should say it was correct if it so stands on the book; it is designed to be a correct entry of the facts.

Q I will let you see the book for yourself; I don't want to misrepresent your end of it at all. (Shows entry in book to witness.)

A I can't recall those facts in regard to the agreement.

Q The took down the testimony of the witnesses in court? A I took it down.

Q You took down the testimony of Dr. Baker? A Yes.

Q He was cross examined by counsel for the Nation? A As to that I don't recollect. He was present, he was always present; I think likely he was cross examined.

Q And that testimony was taken at or near the time when the judgment was rendered in January, 1888? A I think it was, by implication as to that effect.

Q Well the court seems to have had no session as to this case from January 13, 1888 up to October 4th, 1888, according to the record? A (No response.)

Q You don't recall taking down anybody's else testimony in this case? A No sir, I don't.

Q And the probability is that he was the only witness examined in it here? A It might have been so. My recollection is that he was regarded as the main witness of the case.

Q He was quite an old man, about 70 at that time? A Yes, he was quite old.

BY MR. MCKENNON:

Q The testimony of Dr. Arthur Baker, from this record, appears to have been taken January 10th, 1888; is that correct as far as you may know, or are able to state? A Is that Dr. Baker's testimony? (Attorney here shows witness papers) A It appears to be, yes; I don't think that was the testimony that the case was decided upon, because his testimony was taken orally before the commission, and I wrote it down; please let me see it. (Attorney hands said papers to witness.)

A Well, all I know about this is as I stated before, I can't recall those facts, but whatever the record says why I say that the record was made correct, according to the fact. (Witness takes copy of the testimony referred to to refresh his memory.) I don't quibble in reading that very clearly to my own understanding, but I gather from the subject matter in that testimony that it is in accord with Doctor Baker's statement; in exactly word for word I am not able to say, but that is the tenor of the testimony.

BY MR. HUTCHINGS:

Q In taking the testimony you endeavored to get down all the material facts that you could in the best way you could; is that nearly word for word, as I could read it, containing there any little variation made necessary by the length of the witness' statement.

BY MR. MCKENNON: Applicants object to all of the witness' testimony relating to the method of taking the testimony of witnesses at the trial, the character and effect of that testimony, and the number of witnesses, except so far as the same may be used for the purpose of testing the memory of the witness, because the same is incompetent, irrelevant and immaterial.

B. F. FORTNER, being first duly sworn, and being examined testified as follows:

BY MR. MCKENNON:

- Q What is your name? A B. F. Fortner.
- Q What is your age? A 54.
- Q You are a physician are you not? A I am.
- Q Where do you reside? A Vinita, Indian Territory.
- Q Do you hold any official position in your position? A Yes, I am President of the National Board of Health, Cherokee National Board of Health, and member of the Legislative Committee of the Indian Territory and of the American Medical Association,--those are some, and the most important positions I hold at this time.
- Q Are you a Cherokee citizen? A I am.
- Q By blood or intermarriage? A Intermarriage.
- Q Your wife is a citizen? A Yes, sir.
- Q Do you know D. W. C. Duncan? A I do.
- Q How long have you known him? A About twelve or fifteen years, about twelve years I should say.
- Q Do you know his general reputation in the community where he resides for honesty and uprightness of character? A I do, I think.
- Q Is that good or bad? A It is good.
- Q Do you know Campbell Taylor? A I do.
- Q How long have you known him? A About six or eight years, don't know exactly how long; known of him for ten years and personally I have known him about say six or eight years.
- Q Do you know his general reputation for truth and veracity? A I do.
- Q Is that good or bad? A It is bad.
- BY MR. HASTINGS:
- Q Mr. Du can belongs to the same church you belong to? A Yes, sir.
- Q And has for a number of years? A Well now I say I think he does; I have always so understood.
- Q Don't keep up with all your members? A No, but he has attended church there and my impression has been that he is a member of the church.
- Q You didn't have any business before the Citizenship Court of which he was clerk, did you? A No, sir, not that I know of.
- Q You was not at Tahlequah while he was clerk of a Court from 1897 to '99? A I don't believe I was.
- Q Never had any business before that Court? A Had no business before then, not while he was Clerk to my knowledge.
- BY MR. MCKENNON:
- Q You spoke of his membership in the church; he is in good standing as a member of the church is he? A Yes, sir.
- Q I will ask you if Campbell Taylor's reputation isn't somewhat bad? A Yes, I have so understood it.
- BY MR. HASTINGS:
- Q I will ask you if it was notoriously bad in 1897, and these people employed him to represent them before the Court? A That was before my knowledge of him.

Q But as far as you know his bad reputation dated back as far as you know him? A So far as I know him.

G. W. MILLER, being duly sworn and being examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A G. W. Miller.
Q What is your age, Mr. Miller? A 61.
Q Where do you reside? A Vinita.
Q How long have you lived there? A Well I have lived there altogether about 13 years I guess, or 14.
Q Are you a citizen of the Cherokee Nation? A No, sir.
Q What is your business? A Real estate and insurance agent.
Q Do you know D. W. C. Duncan? A Yes, sir.
Q How long have you known him? A I have known him twenty years.
Q Do you know his general reputation for honesty and uprightness of character where he lives? A Why yes sir.
Q Is that good or bad? A It is good, so far as I know.
Q Do you know Campbell Taylor? A Yes, sir.
Q How long have you known him? A Well I have known him 13 or 20 years, I guess.
Q Do you know his general reputation for truth and honesty? A Well yes.
Q Is that good or bad? A Well, it is bad, I think.

ATTORNEYS FOR CHEROKEE NATION waive cross examination.

F. H. CURTIS, being first duly sworn and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A F. H. Curtis.
Q How old are you, Mr. Curtis? A 58.
Q Where do you reside? A Arton, Indian Territory.
Q How long have you lived in the Indian Territory? A 20 years.
Q What is your business? A Lumber business.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A About 20 years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A I do.
Q Is that good or bad? A As good as any man's.
Q Do you know Campbell Taylor? A I do.
Q How long have you known him? A Some 20 years, I suppose.
Q Do you know his general reputation for truth and integrity and honesty? A Yes sir.
Q Is that good or bad? A Bad.
Q Is it notoriously bad? A Yes.
Q Did you ever know Dr. Baker, Dr. A. B. Baker, of Berryville, Arkansas? A Yes sir, I knew him in '88 and '89.
Q Where? A Over at Berryville; I ran a saw mill in that country at Berryville.
Q Did you know his general reputation so far as honesty and uprightness of character and truthfulness? A Yes sir.
Q Is that good or bad? A Good sir. Good as any man's; he is a good Christian gentleman.
Q Did you know him well enough to know his habits of life? A Yes sir.
Q Was he in the habit of taking liquor, drinking liquor? A Not that I know, of sir, I never saw him take a drink in my life.

Q Was his character such as to preclude any such charge against him? A It was, yes sir.

BY MR. HUTCHINGS:

Q How long did you know Dr. Baker? A Two years.

Q What does he do there? A He was an old gentleman then, he lived right in the edge of Berryville, Dr. Baker.

Q How old do you think he was then? A I think he must have been 65 or 70 years old; an old gentleman.

Q That is in 18 what, 60? A No sir, it was in '88 and '89, the two years that I lived over there.

Q He had retired from business? A Yes, sir.

Q Did he have any family? A Yes, sir.

Q What family did he have? A I don't know how much family he had, I had never acquainted with the old gentleman.

Q He wasn't doing any business with anybody? A No sir.

Q And his character was never called in question one way or the other, was it? A No sir, no sir.

Q Campbell Taylor was a notorious rascal pretty much ever since you ever knew him, wasn't he? A Yes sir, I never knew such good of him.

Q And whenever a man got in bad citizenship case he got Campbell to work it, because he was notoriously a rascal; that's it isn't it? A Well a great many of them got him.

Q It was a notorious thing that they had a bad case they would get him, it would sort of give a case a bad odor to have Campbell around it? A Yes, that would be right.

Q You never knew anything about Mr. Dawson's connection with citizenship matters? A No sir, never did.

Q You never heard about his changing some of the records of citizenship cases? A No sir, never did.

Q You have heard lots of talk about this Dawson case? A Yes sir.

Q Rumor has it all around that somebody was doing something wrong? A Yes sir.

Q You never accused him of it you think? A I never heard him accused of it, no sir.

Q That rumor got out from the first day they were admitted right up to the present? A Well I don't know not from the first day, I have heard it for a good while though.

Q But you never knew who first fixed it out? A No sir.

Q There have been a pretty strong family up there in that country haven't they, pretty large family? A Yes sir.

Q Can't a good many voted up there? A Yes sir.

Q Did you ever know of the Doctor's testifying any in court, Dr. Baker? A No sir, I never did.

Q What would you think of a man who would testify that he knew a girl that was single in 1825 when the youngest of her seven children

was born in 1823; what would you think, would you think that was statement to be made by a man who was truthful? A -

BY MR. McKENNON: Applicant's object to the question because it is wholly incompetent, and not based upon any proof or admitted facts in the case, and it is wholly immaterial and incompetent.

Do you think that was a statement that would be made by a truthful man? (No response.)

Q You knew him in '88? A Yes sir.

Q He was quite an old, decrepit man? A Yes sir, quite old, in '88 and '89.

Q 14 years from that time he was liable to be in his dotage?
A I don't know, he was an old man when I knew him.
Q He was too old to work, and retired from business then? A Well he did work a good deal, but wasn't doing any business particular that I knew of.
Q He would have been pretty old 14 years from that time? A Yes, he would be getting old.

D. H. MAPES, being first duly sworn and being examined, testified as follows:

BY MR. MCKENNON:

Q What is your name? A D. H. Mapes.
Q What is your age, Mr. Mapes? A I am 44.
Q What is your business? A I am publishing a newspaper.
Q What paper? A "The Indian Chieftain."
Q Are you Editor of that paper? A Yes sir.
Q You live at Vinita, then? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Do you know D. W. C. Duncan? A I do.
Q How long have you known him? A 18 or 19 years.
Q Do you know his general reputation in the community where he lives for honesty and uprightness of character? A Yes sir.
Q Is that good or bad? A Good.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A Why 15 years or longer.
Q Do you know his general reputation for truth and honesty in the community? A His general reputation, yes sir.
Q Is it good or bad? A Well it is not good.
Q Is it bad? A Well I suppose it must be bad then.

BY MR. HUTCHINGS:

Q How long has Campbell's reputation been bad, Mr. Mapes, quite a good while, hasn't it? A Why I think so, yes sir.
Q And it kind of began mostly with this citizenship business?
A Yes, so far as I know it did, yes sir.
Q Campbell got so many bad citizenship cases and through the mails, and they finally had him up about it, had a good deal of stir about it? A Yes sir.
Q And some of that stir was sort of occasioned by his helping the Dawsons in with it? A I don't know, I don't know whether he helped the Dawsons.
Q Was not that one of the principal cases that brought him into notoriety? A I don't know whether he had that case or not; I know he had a great many cases.
Q That was the principal thing that commenced the trial Campbell out, was citizenship cases here? A I think that is what got him into the most trouble.
Q I say before that time nobody had talked much about Campbell one way or another, and it became pretty general that Campbell was handling shoddy citizenship cases, and he got a bad reputation from that? A Yes sir, I think that was the impression generally.
Q Now Mr. Duncan's connection with the Dawson case sort of been kept back; people never talked much about it? A I never heard anything about it, as I know of.
Q You have heard that there has been something, you heard the Dawson case, that has been a notorious thing? A Oh it has been a notorious case, yes sir.
Q Well the fact of Mr. Duncan's reputation for straightness has been somewhat given by himself, he confesses it frequently? A Yes in that?

Q His reputation for straightness is somewhat given by himself; he takes occasion to confess that very often himself; doesn't he?

A I don't know whether I am qualified to answer that.

Q Showing of his own honesty, he does that very frequently?

A No sir, not that I know of.

Q Doesn't he write a good deal about that sort of thing? A About his reputation.

Q Why is speaking of his own integrity? A I don't remember that he does.

Q You read not about the citizenship courts along in 1881 '82 and '83 were you? A No sir.

Q Don't remember about the talk that was going on around the Capitol over there about the citizenship cases? A Far no, don't remember anything special as I know of. I remember the citizenship court going on at different times.

Q How far were you lived at Tahlequah in '83? A Well, I lived close to Vinita, I guess it is sixty miles probably.

Q Have you lived any nearer Tahlequah since that time? A No sir, never have.

As L. BUTLER, being first duly sworn and being examined testified as follows:

BY MR. MCKENNON:

Q What is your name? A L. L. Butler.

Q You are a minister of the Gospel? A Yes sir.

Q M. E. Church, South? A Yes sir.

Q How long have you been in the ministry? A I have been in the ministry 22 years, sir.

Q Did you ever live at Vinita? A Yes sir.

Q How long? A I was there four years, sir.

Q Do you know D. E. C. Duncan? A I do.

Q How long have you known him? A I have known Mr. Duncan 21 years.

Q Do you know his general reputation for honesty and uprightiness of character? A I do.

Q Is that good or bad? A Good, so far as I know.

Q You have no opportunity of knowing? A Yes sir.

BY MR. HUTCHINGS:

Q Mr. Duncan was a member of your church? A Yes sir.

Q That is the principal way you had of coming in contact with him? A Yes sir, he was a member of my official board.

Q His connection with citizenship cases that were decided by the court of which he was clerk was never brought up in your presence anywhere? A No sir.

Q Or never discussed? A No sir, I know nothing about his connection with it.

Q You didn't live about or near Tahlequah in '83? A Yes sir, I was Pastor of the Methodist Church in '83 at Tahlequah.

Q Did you hear about the Bacon case, and other cases admitted over there by the citizenship courts? A No sir, I know nothing about the cases; I remember when the Commission was in session, and remember that he was clerk of the Commission, but I knew nothing about the cases that were decided at all.

Q Never heard anybody discuss the cases that were decided? A No sir.

THOMAS A. CHANDLER, being first duly sworn and being examined, testified as follows:

BY MR. MORRISON:

- Q What is your name? A Thomas A. Chandler.
Q What is your age, Mr. Chandler? A I am 30.
Q What is your business? A Deputy Clerk of the United States Court at Manila.
Q How long have you lived in the American Nation? A All my life.
Q Do you know D. W. Campbell? A Yes sir.
Q How long have you known him? A Let me see, I have known him about nine or ten years.
Q You know his general reputation for honesty and uprightness of character in the community where he lives? A Yes sir.
Q Is it good or bad? A Good so far as I know.
Q Do you know Campbell Taylor? A Yes sir.
Q How long have you known him? A I think about 15 years.
Q Do you know his general reputation for truth and honesty? A Yes sir.
Q Is it good or bad? A Good so far as I know.

BY MR. HUTCHINGS:

- Q How did Campbell Taylor get a bad reputation? A As I sir, I don't know how he did.
Q You never knew him until 1885? A Well I never knew him personally, I heard of him before that.
Q He had a bad reputation before '85? A Yes sir.
Q Bad reputation way back yonder? A First I remember I ever heard of him I heard people speaking bad of him, when I was a kid.
Q And everybody that came around the Nation and knew anything at all knew Campbell had a bad reputation? A Yes sir, ever so far back as '79 or '80, that is as far back as I can remember. I think I heard it spoken of in '80, I think that's about the time.
Q And Campbell got a very bad reputation in '80 and '81 when we began to have these citizenship cases? A Yes sir.
Q You heard him spoken of as rascality and using the mails for these business? A Yes sir, I heard of his being in the Fort Smith Jail on that account.
Q Citizens of the Nation talked a good deal about Campbell's being in these bad citizenship cases? A Yes sir.
And I also heard he had a bad reputation for paying his debts, about about the same time.
Q You don't know that or he had the money, he might not have had the money to pay his debts? A No sir.
Q He could have kept out of bad citizenship cases? A Yes sir, I suppose he could.
Q You never heard Mr. Duncan's name mentioned before in connection with the Burton case, citizenship cases? A No sir, I don't think I have, I may have, but I don't remember hearing it.
Q General impression that somebody had done something wrong with that matter, citizenship cases? A I heard there was something wrong in connection with the Burton citizenship cases.
Q That has always been in notoriety ever since they were admitted? A Yes sir, I have heard it spread around over the country that such was the case.
Q They had a pretty large voting capacity and there was the matter was never investigated? A I don't know about that, I don't think it was ever investigated, I never heard of it.

POOR ORIGINAL -
BEST AVAILABLE

Q So they never had any endeavor to find out who the man was?
A No sir.

Q Where did you live in '84? A In '84 I lived out on Dick Creek about 12 miles southeast of Vinita.

Q How far from Pallequah was that? A About 65 or 70 miles, I suppose.

Q You never were around before the citizenship courts any during that time? A No sir.

Q You don't know then whether or not Campbell had lost all the bad cases or not down there? A No sir, I do not, at that time.

BY MR. McKEENON: Applicants object to all of the testimony of this witness as to what he heard by way of rumor, about the character of the Dawson case, because the same is hearsay, immaterial, irrelevant and incompetent.

A. S. McKEENON, of Counsel for Applicants, being first duly sworn, makes the following statement:

I became a resident of Carroll County, Arkansas, early in 1890. I was intimately acquainted with Doctor Arthur Baker, for many years. Knew him as well as I did anyone else. He was a gentleman of the highest Christian character, so recognized by everybody who knew him. He was a sober man, and never drank liquor. I don't disstate anything more in vindication of that good man's memory than for any other reason, because any imputation against his character is false.

BY MR. HASTINGS:

Q How long did you know him? A I resided in Carroll County until 1897 when I removed to Johnson County, Arkansas. During the war I was away from home, but I knew him intimately every year that I resided in Carroll County.

Q Did you know him since '67? A Yes sir, I have seen him several times. I have relatives living in the town in which he lived; my relations to him were such as to cause me always to inquire about Doctor Baker; I knew his reputation I think as well after I left there as I did when I lived there.

Q Did you know those facts in 1896 when you were a member of this Commission? A Yes sir, I have known them all my life as I know them now.

Q Did you know them when you as a member of this Commission was on the Irene J. House case? A I knew it every day of my life, in 1896 as well as now.

Q Suppose that Doctor Arthur Baker's statement would appear that he was born in the year 1809, and suppose he said when he was 18 or 19 years of age that Anna Pruett the wife of Samuel Dawson, was a grown up girl going to school, then the other undisputed evidence shows that she had married Sam Dawson prior to that time and had seven children, the youngest of whom was born in '35, how could you harmonize that with a man who was an honest man and knew the facts in the case? A Whatever Dr. Baker stated he honestly believed, whether it was right or wrong; whether it was error or truth, he honestly believed it, and stated it as he believed it.

Q He was capable of being in error? A Every man is.

Q I say he was? A Yes sir, just as you and I and every man, he was. I merely stated as to his high character, which could be proven, by every man who knows him. I think, I know it.

Q The Commission rejected Irene J. House in 1896, of which you were a member? A I don't remember anything about that personally.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

DAVID MEREEDITH, being first duly sworn, and being examined, testified as follows:

BY MR. HUTCHINGS:

Q State your name? A David Meredith.
Q Where do you reside? A Vinita.
Q How old are you? A 60 years old.
Q Did you ever know Jaran Dawson? A Yes sir.
Q How long have you known him? A I know him probably 2 years.
Q Did you ever have any talk with him about his citizenship case?
A Very little.

Q You were at one time an applicant before the Dawes Commission for citizenship were you not? A Yes sir.
Q Well what did Mr. Dawson tell you with reference to his citizenship, as to the cost of his getting it, if anything? A Well he told me it cost him eleven or twelve hundred dollars to get his case through.

Q Where did that conversation take place? A At Afton.
Q At that time? A It was in '82, spring of '83.

BY MR. McKENNON:

Q Where were you when he told you that? A I was working on a house in Afton, building the house.

Q Where house? A S. S. Haines.

Q Who else was present? A Haines was present.

Q Where is he? A At Afton.

Q What aged man was Mr. Dawson at that time? A I don't know, he was very old, probably 75 years old.

Q Was he not a very feeble man? A Yes sir.

Q Hardly able to get around? A No sir.

Q Was he not then regarded as feeble minded old man? A I don't know whether he was so regarded or not.

Q You don't know what he had to do with the case, in fact, himself, do you? A No, I judged it was himself and family that cost that much to get through; attorney's fees, etc. That is the way I took it anyway.

Q You were an applicant yourself were you not? A Yes sir.

Q When? A At that time.

Q Before the Cherokee authorities? A Yes sir.

Q They rejected you? A Yes sir.

Q You were an applicant then before the Dawes Commission were you?
A Yes sir, been rejected ever since.

Q Are you still an applicant? A Yes sir.

Q Still trying to get in? A Yes sir.

Q Claiming by blood? A Yes sir.

Q How long have you been living in the Cherokee Nation? A 15 years.

Q Where did you come from? A Indiana.

Q Claiming to be a Cherokee citizen? A Yes sir.

Q Indian? A Yes sir.

Q Jara Dawson is dead is he? A Yes sir.

Q How long has he been dead? A I think he died probably within two years after that.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

F. H. DAWSON, being re-called and further examined, testified as follows:

BY MR. McKENNON:

F. H. Dawson? A Yes sir.

Q Mr. Lawson, what member of your family came to the Cherokee Nation to file and prosecute the claim of your father, Robert Dawson, and the members of his family, to Cherokee citizenship?

A My brother from Texas met me at Tallahatchee.

Q Tell his name? A Elbert Dawson, they all know him by Buck.

Q When was that? A In '81 as well as I remember, or '82, I don't know which, it was in '81 or '82.

Q Did you file your claim at that time? A My brother was, was, the application, my brother had Joel Hayes to make it out and file it. That is my understanding.

Q Joel Hayes, who afterwards was Chief of the Cherokee Nation?

A Yes sir.

Q Before what court was that filed? A My understanding was he was clerk of the court; Hastings can tell me what court he was clerk of.

Q He was clerk of the Court at that time? A Yes sir, of the citizenship court; that's my understanding.

Q What was done about the case at that time, if you remember? A I went back home and left my brother down there at that time, that trip.

Q Where did you then live? A I lived at Berryville, Arkansas.

Q When did you next come to the Cherokee Nation? A I believe I came back the next January, that was in September.

Q Was your brother Buck here then? A I don't think he was, I don't remember.

Q Well had he at any term of the Court or session of the Commission at any time after you first came here and filed the application until after it was decided? A No sir, I never met him any more until that case was decided.

Q You conducted the business then after that did you not? A Yes sir.

Q The case was finally determined in January 1883? A '83, yes sir, the 11th day as I remember.

Q Were you present at that session? A Yes sir.

Q Was there any decision of that case other than the one of record here? A I never heard of it if there was.

Q Was the judgment rendered in that case as recorded in the record Book of that Commission now in the custody of the Dawes Commission the only judgment that was rendered in that case so far as you know?

A Yes sir, so far as I know, if there was any I never heard of it in that case.

Q You then know of no decision against you in the case? A No sir.

Q Who was your attorney employed at the beginning? A I employed

A. H. Howwood.

Q Was he a Cherokee citizen? A Yes sir, I think so.

Q Where did he live? A At Claremore, my understanding.

Q Was he present at any time before the Commission? A I never saw him, he never met me there before the Commission.

Q Did you pay him any money? A Yes sir.

Q How much? A Fifty dollars.

Q Did he ever render any services? A If he ever did I never knew it.

Q Well then who did you employ? A My brother employed Joel Bryant.

Q Was he a Cherokee citizen?

A That is my understanding.

Q Was he not a prominent Cherokee citizen? A Yes sir.

Q What service did he render? A Well sir, I don't know whether he rendered any or not, only he met me a time or two at Tallahatchee, and he was before the Commission; whether he rendered any services

or not I don't know; he was generally always at Washington City during the Term down there.

Q Well what did he do about it? A I don't know, I couldn't say whether he done anything about it. That is Mr. Bryant, he was always gone.

Q That next was done about the employment of an attorney? A Yes I got a letter from Joel Bryant that he was going to Washington City and for me to come down in January Term and Campbell Taylor would be to try the case before the court.

Q Did he say that he had engaged the services of Campbell Taylor the attorney, to attend to it in his absence? A Yes sir, in his absence.

Q Have you got that letter? A I don't think I got the letter.

Q Well what did you do then? A Why when the time come I come down on the day to Muskogee here and I come over from here to Fort Gibson and I come down to see Uncle Houston Benge and stays all night with him; it was very cold weather, and I got him to go over and submit my case to the court; I went over one day and the next day Uncle Houston Benge come over and the next morning after he come over the case was submitted.

Q Did he submit the case? A Yes sir, he told me so.

Q For you? A Yes sir.

Q Were you present? A I was present until they went to take the vote on the case and then we was drove out of their room and they had a secret session, acting on the case.

Q Was Houston Benge present with you? A Yes sir.

Q Were you in the court room he submitted it to them? A Yes sir, when he made his argument.

Q He made an argument before the Commission? A Yes sir.

Q Was the decision rendered on that day? A Yes sir.

Q How long after he made his argument and submitted the case? A Was not but a little bit; when we were drove out of the house the first time before they went into secret session they wanted me to set up the cigars to the court and the crowd in the house; after the decision was rendered then I was to set up the cigars, and everybody come to me and told me to go and get the cigars and I done so.

Q And you took the cigars there and all? A Yes sir, everybody, the attorneys and all that was in the house, all had a big smoke.

Q Did they then announce their finding in the case? A Yes sir, they told me that I was granted my citizenship right and by the Commission.

Q What did you do about it then? A When the clerk wrote a court certificate.

Q That same day? A That same day.

Q What arrangements did you make with Mr. Benge about his fee, and what was the amount of his fee? A There was no arrangement made until we got up there and he submitted our case; then he wanted me to pay, he charged me fifty dollars, that was his fee.

Q What was the agreement about the matter, the manner in which that fee should be paid? A My brother in Texas was to pay it.

Q Were you to write or was he to write? A He was to write for it.

Q Did your brother in Texas ever pay his fee of fifty dollars?

A Yes sir.

Q Was that all that was to be said? A All that was to have; all he charged me.

Q You heard his statement when he gave his deposition at Fort Gibson the other day did you not? A Yes sir.

- Q He asked me that you paid him fifty dollars and I said I want you to take him, did you do that? A No sir.
- Q He said that you paid him fifty dollars after you got over to Tallapoosa, did you do that? A I never paid him a cent in my life.
- Q As to that judgment was rendered there, did you go to? A I went back home to Ardmore.
- Q By what route? A I went by Siloam Springs and on by Spring Dale and I went on to Rogers, took the railroad there and went on by Seligman and by Milled Springs home.
- Q You then did not return to Fort Gibson with Houston Brown, as he stated? A No sir, I did not.
- Q Did you ever return by way of Fort Gibson? A Well I thought maybe the others was the cheap at road and struck a hack going out by Saw Stables where I was boarding at, I could go to Siloam Springs and I went by that route and then there was a hack going by Spring Dale, that was the most direct route.
- Q That was the most direct route from your home was it not? A Yes sir.
- Q And the cheapest? A And the cheapest route.
- Q Had you been coming back to Fort Gibson you would have been going directly away from home would you not? A Yes sir.
- Q Your home was nearly east, due east of Tallapoosa was it not? A Yes sir, little north of east, pretty near due east.
- Q While Fort Gibson is almost due west is it not? A South east.
- Q You heard his statement that you went to Fort Gibson which is, and as you came you stated to him that it was to reach that court through Duncan and you reached there through Duncan with five hundred dollars, did you make that statement? A I never did, I didn't have the five hundred dollars to reach him.
- Q Did he while at Tallapoosa in the court room on the evening before this judgment was rendered in your favor, tell you what the court had rendered a judgment against you? A No sir.
- Q And did you then say to him, you would fix that? A I had no such conversation with him.
- Q Did you pay to D. F. C. Duncan, who was the clerk of the court any sum of money, or agree to pay him any sum of money, directly or through any other person for any services he might render you by way of influencing the court to decide in your favor? A No sir.
- Q Or for any other purpose? A No sir.
- Q Did you pay him any money after that through Campbell Taylor? A Yes sir.
- Q What amount? A 20 or 25 Dollars, I don't know which it was.
- Q State what that money was paid for? A For a claim.
- Q What do you mean by a claim? A Claim on the public domain; he had a claim on that close to me; paid him 20 or 25 dollars for his claim he had on that, by me, on the Cherokee Public Domain.
- Q What did Campbell Taylor have to do with your case? A He had nothing to do with it.
- Q Did you agree to pay him any money for his services as an attorney? A No sir.
- Q Did he perform any services in that case for you as a representative of Mr. Bryant? A No sir.
- Q Did you pay him any money? A Yes sir.
- Q On what account? A He came to me and said he had the claim against me for Joel Bryant and wanted me to pay him the money and I done so.
- Q What amount? A Hundred dollars.

Q How much did you pay to get that money back from Joel Bryant?
A Joel Bryant. He was collecting it from Joel Bryant.

Q Did he pay that money to Joel Bryant, that you told me of? A Joel Bryant claimed he didn't, and I had to get him again, paid Joel Bryant the hundred dollars he owed me for his fee; E. Dwyer paid Joel Bryant; after that we never could get the money from Campbell Taylor, only this twenty dollars or twenty-five dollars; that is all we ever got back from him.

Q How did you get that 25 dollars out of Mr. Joe Duncan? A I kept after him and telling him to pay that money back to me, he rendered no services to me at all and the money was to go to Joel Bryant, and I finally worked out the twenty or twenty-five dollars, that is all I ever did get back.

Q The amount that he paid to Duncan? A Yes sir.

Q Was this money paid to him, this one hundred dollars, while you were there at the time the judgment was rendered, or was it sent to him afterwards? A I think it was paid then, as well as I remember about it.

Q You think it was paid then? A Yes sir, that's my recollection, now.

Q Did you send him one hundred dollars after you went away from there, subsequent to the rendering of that judgment, after it was rendered in your favor, directing him to pay fifty dollars of that or any other sum to D. W. C. Duncan? A No sir.

Q Did you send him a second one hundred dollars with such directions? A No sir.

Q Mr. Dwyer, do you know where that it went from Dwyer to him to obtain that citizen ship in the Cherokee Nation under this judgment? A Pretty near it I do.

Q Well about what sum? A About five hundred dollars, pretty near 500 dollars. That is what I considered, I was beat out of some of my money, that I was beat out of and expenses.

Q Now make a statement of that the money was paid for and how, so far as you remember, itemize that now? Well the first fifty dollars Norwood got; the next fifty dollars Dwyer got; that was the attorneys fees; I speak of the attorneys fees now; the next money was the hundred that Campbell Taylor got; the next attorney fees was Bryant's one hundred dollars.

Q Was that all the attorney's fees? A I think it was, no, wait. I paid Ross 15 dollars for taking Baker's deposition.

Q What Ross was that? A The old Chief, Bill Ross I think his name is, William P. Ross.

Q He then, this Chief William P. Ross for taking the deposition of Dr. Baker charged you fifteen dollars? A Yes sir.

Q Do you know by that that he acted as your attorney and examined him? A Yes sir.

He examined him before the Commission, that of his statements.

Q What other attorneys were there present? A None of them was present.

Q Well now, go on? A That the expenses of taking Dr. Baker and he is a Doctor, as well as I remember he charged me 5 dollars a day and I were five and his expenses down there; we got through in a week from Berryville, Arkansas, to Chillicothe, and our board and expenses and all I think it was about 75 dollars that trip; no other; near it. Maybe a little over that.

Q Did you pay him a per diem? A I paid him five dollars a day for his time and then his expenses.

Q Well? A Well I made several trips out here a different times, to Tahlequah before the Commission, and back, three or four trips as well as I remember now, cost me 20 or 25 dollars each trip, as I remember about it.

Q Do you remember how many trips aside from the one in which you brought Dr. Baker? A No, I think there was probably three trips I think it was, maybe more, and then I made one trip to Claremore to see A. H. Norwood.

Q What did that trip cost you? A I don't remember what it cost; I went in a wagon down there.

Q You went through and employed Benge, went by railroad; what did that trip cost you? A I don't remember what it was, whether it was 21 dollars or 31 dollars, one or the other, I don't remember what it was; Joe Dawson, my brother-in-law gave me the money, it was either 21 or 31 dollars.

Q Now then is there any other expense that you know of that was paid by you or your family, any members of your family, other than that you have mentioned? A I don't remember any other now; I can't call to my memory right now.

Q What was the condition of the members of your family generally now, financially, at that time? A Well we were considered poor people; I don't know, we didn't have much money, scarcely any.

Q Was there any one of them that was better off than the others, and if so, which one? A I suppose Elbert Dawson was better off than the others, Buck Dawson.

Q Do you know how much Buck Dawson paid of these expenses? A I don't think he paid, he paid the Benge debt and the Bryant debt, I think it was.

Q That is one hundred and fifty dollars? A Yes sir, then he came up on one trip and taken some evidence with Joel Bryant when Joel Bryant was clerk of the Court before this Tahsee Court, I don't know what that cost him.

Q Came up he said took some testimony? A Yes, came up to court back to Texas. Filed his claim and took some testimony and went back to Texas and I didn't see him.

Q Did that testimony include Dr. Baker's testimony? A No sir.

Q You know how many witnesses were examined then? A I only know what is told me.

Q How many? A Four witnesses.

Q You know whether they were residence of the Cherokee Nation or not? A He told me they was.

Q Were you present on that trip in which he came there and took that testimony? A No, I met him there and then I sent back home and left him at Tahlequah.

Q He had taken the testimony before you left him or afterwards?

A He taken it afterwards; that was my understanding.

Q Did Buck furnish only the one hundred fifty dollars that you now remember? A I think it was.

Q And the expense of taking those witnesses up there? A Yes sir.

Q Who else furnished money now of the members of your family?

A My brothers and father lived down in Berryville, he and my brother-in-law, Blasingame, we all chipped in together a few dollars from each family.

Q You heard the statement of C. C. Bryant that in June 1902 you told him that it had cost you 700 dollars, did you make any such statement to him? A I never did.

Q And that you paid one witness 300 dollars? A I never saw any such statement.

Q Did you pay any witness any such sum? A No sir, I paid Dr. Baker for his time he said his time was worth 5 dollars a day, for him, and I paid 11.

Q Did you pay any other witness any more than that? A No sir, he is the only witness I talked down there in my case.

Q Well, the Robert Dawson case? A Yes sir.

Q He says that you told him this in your house there on your place, did you have any house there in June 1893? A I was not living on my farm at that time.

Q Did you have any farm? A Didn't have any.

Q When did you build a house there? A I built a house on the farm I live in now by Mr. Brought, I moved on the farm the last of July, 1893, and I camped in my wagon.

Q What did you do? A I went to the timber and cut poles and boards then cut and made me a log cabin on the place by a spring near Mr. Brought.

Q About what time did you finish that house? A I was in Santa bar.

Q How long after you finished that house until you brought your family out? A I finished it up and got it covered and the floor in it and I went back to Berea Springs after my wife.

Q What family did you have then? A I had my wife and she had one child; but my oldest children, by my first wife were with me in the Territory, camping with me; three little boys and one girl were with me, and one girl back in Arkansas.

Q Are you and C. G. Brought on good terms? A No sir.

Q What has been the character of the trouble between you? A Trouble over our places first started it.

Q When did it begin? A As soon as I got back from Arkansas he forced his men crowding me out to to my farm and my home, and we have been in a racket ever since.

Q Then his statement that you were on friendly terms, is it correct or not? A No sir, it ain't correct.

Q He and you have never been friendly as neighbors then since you first came back from Arkansas and settled in the Territory? A I don't remember ever being in his house; I never was in his house.

Q Have you had law suits with each other? A Yes sir.

Q How many? A I don't know that we had any particular law suits, but I have had law suits and he has been a witness against me.

Q What was your last trouble with him, when I mean? A Along last fall.

Q That was when your boys had a little racket and he had your boy arrested? A Yes sir.

Q What was the age of those boys? A Eleven years old.

Q He had him arrested down at Vinita? A Yes sir, had him arrested and carried before the Commissioner at Vinita.

Q He was discharged on account of his age? A Yes sir.

Q Dick Dawson is dead is he? A Yes sir.

Q How long has he been dead? A Three years, little over three years.

Q And James Dawson is dead? A Yes sir.

Q Is your father, Robert Dawson living? A No sir.

Q When did James Dawson die? A I don't remember, been dead several years, I don't remember how long, 6 or 7 years, I couldn't state.

Q When did your father, Robert Dawson die? A I believe it was in '87 as I remember now, I won't be positive.

Q Had all these moved to the Cherokee Nation before their death?

A No sir, father died in Arkansas.

Q Those that lived here in the Nation they lived here in the Nation but went back to Arkansas and died there? A Well the rest of my folks all lived here. That was James Dawson and Buck Dawson.

Q Robert Dawson, your father, never did move to the Territory, did he? A No.

Q Did you hear the statement of the witness Beavert this morning, that about the time of hearing of the James Dawson case, at a negro church at night James Dawson came down there with someone else and introduced to him, and he loaned him ten dollars; did you hear that statement this morning? A I heard the statement, yes sir, I heard it.

Q He says that James Dawson was 35 or 40 years old; was there any James Dawson living belonging to your family at that time of any such age? A No sir.

Q How many James Dawson's were there belonging to your family? A There was my Uncle James Dawson and a brother James Dawson, the Doctor here.

Q How old was your brother James Dawson then? A He was a tolerable old man, I don't know his age.

Q About what age? A Must have been 60.

Q Between 60 and 70? A Yes sir.

Q That was the age of your brother James? A At that time?

Q Yes sir, in '84? A In '84 I suppose he was about 13, something like that.

Q Had he anything to do with the James Dawson case? A No sir.

Q Was he present at the time that the James Dawson case was under consideration? A No sir.

Q Was James Dawson, your uncle James Dawson, present at any time during the consideration of his case? A No sir.

Q He never was present? A No sir, if Uncle Jim Dawson was ever in Tahlequah I never knew it.

Q Who conducted the prosecution of the James Dawson case before the Cherokee Citizenship Commission, who conducted it? A The James Dawson case?

Q Yes sir? A I think James Low and Bill Jackson and Campbell Taylor.

Q Were you acting with them? A Yes sir.

Q They employed Campbell Taylor? A Yes sir.

Q Then there was no James Dawson present during that session of the Commission? No sir.

Q What was the condition of James Dawson's health at that time? A It was pretty poorly; was not good.

Q Was he at that time able to get about and attend to business? A I don't think he was.

Q Was he not a very feeble minded old man at that time? A Yes sir.

Q Regarded as rather a silly man was he not? A Yes sir.

Q Did he attend to any kind of business of the family at that time? A No sir, didn't.

Q What was his financial condition? A Pretty bad.

Q Did he have any money? A No sir.

Q Did he have any property? A None hardly at all; horse probably, or a cow or two, something that way.

Q Was that about all the property he had? A Yes sir.

Q How about the other members of his family that were admitted at that time; what was their financial condition? A They were in poor circumstances.

Q How then after these judgments were rendered what members of your family removed to the Territory, Cherokee Nation, I will say?

A Robert Dawson and family and James Dawson and family, that is, that and their children.

Q Robert Dawson didn't remove here? A No, I said except Robert Dawson.

Q Did all the members of Robert Dawson family move here? A Yes sir.

Q Except himself? A Yes sir.

Q And all the members of James Dawson family? A No, not all the members, Melvina Low I don't think ever lived here.

Q She has never moved here? A No sir.

Q Well all the members of your family, your father's family included in that judgment of the Committee, rendered January 11th, 1897? A All but one.

Q What was the name of that one? A Edna.

Q A daughter? A Daughter of Robert Dawson.

Q Your sister? A Yes sir.

Q Was she then of age or was she a minor? A I think she was a minor, as well as I can remember.

Q Was she afterwards admitted to citizenship in the Cherokee Nation? A She was.

Q By a Commission or by the Cherokee Council? A She was first admitted by the Spears Court, her and two of my nieces.

Q What are their names? A Katie Vernon and Verna Fishback.

Q What became of that? A The certificate papers they got was lost, and they went before the Council in 1894 and they was readmitted back by the act of Council.

Q That was in 1894, the Cherokee Council admitted, re-admitted, they called it, the three above named? A Yes sir. Mary and Verna Fishback and Katie Vernon, they have now the same names as except Vernon, it is not, Tob Robinson married the widow, a niece of mine.

Q How then was there any other consideration of the Dawson case by the Cherokee authorities at any time aside from these two judgments in '87 and '84 admitting the two families of Robert and James Dawson, and the act of Council of '94 admitting these three whom you have just named? A Yes sir.

Q Then? A My two of my sons was placed on the roll by the act of Council in 1892 I think it was; left off of the rolls in per capita payment and they was placed on the rolls I think, and Sam Hightough member of Council, got their draft or checks for the money.

Q Have you got that copy of the act of Council admitting them?

A Yes sir.

Q Where is it? A (Produces papers.)

BY MR. BENTON: We offer in evidence an act of the Cherokee National Council making an appropriation of 20,000 dollars belonging to the general fund for the payment of certain persons therein named a per capita payment, as per amount set opposite their respective names, provided that the Principal Chief shall draw warrants for such amounts, and further provided "That the names of the persons appearing on the per capita rolls in this act shall be placed (on) the authenticated roll of 1880 by the Principal Chief."

This act was approved December 21, 1891.

Approval signed by Stephen Toney, Assistant Acting Principal-In this list appear the names of William R. Dawson for payment of \$17.70, and of Marion Dawson, for a like sum. Are these

the names of two of your sons? A Yes sir.

(This paper above introduced, is filed and made a part of the records in this case.)

Q Was there any other action of the Cherokee authorities relating to members of your family? A Yes sir.

- Q Then? A In 1894.
- Q What was that? A Allowing them their Strip money.
- Q Have you a copy of that? A I think I have. (Produces papers.)
- BY MR. MCKENNON: We offer in evidence a duly certified copy of an act of the Cherokee National Council approved November 24, 1894, signed C. J. Harris, Principal Chief. Senate Bill No. 19, appropriating a sufficient amount of money to make payment per capita of what is known as the strip money to certain persons named therein. Among them are members of the Blessingame family, as follows: Jane, Elbert, Henry, James Ross, Lerrie, Pearl, Aros, Myrtle, Winnie and Clifford; this act mentions these persons as Cherokees by blood, and those names had been left off the pay roll approved May 3, 1894, providing a payment to each one of these a sum of \$265.70.
- Q Were these members of the Robert Dawson family? A Yes sir.
- Q Which one of the members of the family? A Jane.
- Q This is Jane who was admitted by the judgment admitting the Robert Dawson family? A Yes sir.
- Q And her children? A Her children, was not admitted, she was admitted.
- Q I mean this mentions her children here? A Yes, that mentions her children.
- (The paper last above introduced is filed and made a part of the record in this case.)
- Q Do you know whether the payment of the Cherokee Strip money was to Cherokee citizens by blood only or not? A Yes sir.
- Q Was there any other act of the Cherokee authorities passing upon the citizenship of members of your family? A Why the Douthett children, my brother's grand-children. Two grand-children of E. Dawson.
- Q What was that? A That, I think it was in '84.
- Q Have you got a copy of that act? A No, the record is here.
- Q Was that by the Spears Court? A Yes sir, by the Spears Court.
- BY MR. MCKENNON: We now offer in evidence a judgment of the Cherokee Commission on Citizenship, 1880 and 1884, found on page 190, case No. 181, dated September 9th, 1884, signed by Eli Spears, President, John Lee and Andrew Young, Commissioners, admitting to citizenship Lula Douthett and Dallas Douthett as Cherokees by blood.
- Q There now are the Douthetts to which you refer, are they? Yes sir.
- BY MR. MCKENNON: Attention is called to the fact that the names of the Commissioners are all signed in the same hand-writing as the record of the judgment.

The said judgment record above introduced, and found on page 190, No. 181, record of 1880 to 1884, is as follows:

"Office of Commission on Citizenship,
Tahlequah, Cherokee Nation, September 14th, 1883.

E. Dawson, for his grand-children,)
No. 181.

Lula Douthett,
Dallas Douthett,

vs

The Cherokee Nation.

(C. H. Taylor,
Atty for Claim.

(Petition filed September
14th, 1883.

Case submitted by claimants Sept. 14th, 1887.

Case submitted by Solicitor, Sept. 19th, 1887.

Continued by Petitioner Jan 22 1884 to September Court 1884.

Re-submitted September 2nd 1884, by Atty Taylor and Berwert

Submitted by defense Sept 9 1884.

And now on this the 17th day of September 1884 close this case for final hearing and all the evidence in the case having been thoroughly read, and considered by the Commission on Citizenship it has been decided by the Commission that the above named Lula Douthett and Dallas Douthett are Cherokee by blood, and that they are entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation and that they should be, and are hereby admitted to the full and complete enjoyment of the same in all respects, as native born Cherokees.

W. L. Spears, Pres.

John Lee,

John L. Adair,

Andrew Young,

Chk. Comm'n.

Commission on Citizenship.

Q Now were there any other actions of the Cherokee authorities of like character relating to the members of your family?

A I don't remember of any others.

Q I will ask you if when the Cherokee authorities were making the roll of 1896, in compliance with the request of the Dawes Commission for a roll to be prepared by them for the use of the said Commission, the question of the citizenship of the members of your family was not then raised and an investigation had in regard to it? A Before the Dawes Commission?

Q No, before the Cherokee Commission making the roll of 1896, of which John T. Carter was a member? A Yes sir, yes. I had forgot it, but since you have named it there was some investigation of that at that time; this is what I understood.

Q That roll shows that the members of your family were duly enrolled by the Commission? A Yes.

Q Have you and the other members of your family since your removal to the Territory in 1887 and immediately following been recognized as Cherokee citizens by blood? A Yes sir.

Q Have you been exercising and enjoying all the rights of Cherokee citizens by blood since that time? A Yes sir.

Q You and all the members of your family are living in the Cherokee Nation? A Yes sir.

Q You have all drawn Cherokee Bounties whenever payments were made?

A Yes sir.

Q And have you all male members been voting at the Cherokee elections or in the Cherokee elections? A Yes sir, I was one of the judges of the elections that was held voting on the treaty.

Q What treaty? A The treaty bill that was sent back here for the Cherokees to vote on; I was one of the judges at Afton.

Q In what year was that? A I believe it was last spring sometime, last April.

Q Have any of you held any offices in the Cherokee Nation? A Yes sir.

Q What offices have the members of your family filled? A Deputy Clerk, under Pete Hastings, when he was clerk of Delaware District, I was a candidate once for Council in the Downing party.

Q Can any office of deputy clerk be held by any one else except a recognized citizen? A Only by a citizen, yes sir.

Q Is that all? A (No reply).

Q Have the children of members of your family attended the Cherokee schools, and been educated in Cherokee schools? A Yes, sir.

Q Have the members of your family been all the while subject to the jurisdiction of the courts of the Cherokee Nation? A Yes sir.

Q Have they been tried for any offences against the law? Yes sir.

Q And have they instituted their civil suits in the courts of the Cherokee Nation? A Yes sir.

Q And had suits instituted against them in such courts? A Yes sir.

Q Some of these cases have gone to the Supreme Court of the Cherokee Nation? A Yes sir.

Q And were passed upon by that tribunal? A Yes sir.

Q Is there anything else? A Nothing now; I am sick this evening; I have got a head-ache so bad I can't hardly see.

BY MR. HUTCHINGS:

Q How old was your father Robert Dawson when he died? A I don't know, I couldn't answer that.

Q He was a very old man? A Yes sir, he was getting tolerably old.

Q Could you tell how much older he was than you? A No I don't know.

Q Mr. James Dawson in 1864 must have been a very old man, wasn't he? A Well he was old and he was feeble.

Q Well you stated that he had been so silly; was he naturally that way? A He used to live in Texas; I didn't know him until after he got to the Territory.

Q I say he had gotten so old, that was the occasion of that? A I suppose so, the oldest one of these children was Mrs. Betty Peter, that's my understanding.

Q And the oldest boy was John Dawson? A We always called him Jack.

Q Jack Dawson was the oldest? A Yes sir.

Q Sam was the youngest? A Sam Riley.

Q He was the youngest one of the crowd? A Yes sir.

Q Your father lived four or five years after he and you were admitted to citizenship? Yes sir, something about that, it was in 1837, I think he died in 1837, I won't be positive; that is as near as I can remember now. I have got a headache so bad that I can't remember anything.

Q He nor none of the older members of the family were ever present at any of these trials of citizenship? A No sir, not a one of them.

Q Not a one of them was ever called upon to testify as to the blood of their mother, who she was or anything about it? A I don't think they was.

Q Your claim of kinship was through Captain John Rogers and that your grandmother was the half sister of Big Joe Vann, wasn't it? A I don't know, I couldn't answer the question.

Q You were there when they took the testimony? A I was there when Dr. Baker's testimony was taken, that was about 16 years ago.

Q And nobody kin to the Rogers and Vann was ever called to testify in the case? A Not as I know of.

Q They were very well known Cherokee families in the country? A I suppose so, I don't know.

Q And yet nobody on any side of the family connected with it was ever called to testify? A Not that I know of, I don't know that my brother done, he taken some of the evidence at Tahlequah when I was not there; he first filed his claim.

- Q You had spoken to Dr. Baker about the testifying before you brought your case didn't you? A No sir.
- Q Must have been a short time afterwards? A It was a short time afterwards. I went back after him and it was too late and I fetched him the next time.
- Q You had talked to your brother about that you could prove by Dr. Baker? A I told him I thought Dr. Baker, I thought he knew about our folks.
- Q You had told him in a general way you expected to use Dr. Baker as a witness? A Yes sir.
- Q You went off, came to Arkansas and left your brother at Tallahassee after you told him that fact? A Yes sir.
- Q You didn't see your brother any more until after you were admitted? A No sir.
- Q You and he however had trips back and forth to Tallahassee and home at different times, but you didn't happen to get together? A No. I never met him any more and I don't know that he was there until after we were admitted.
- Q But you were there and brought Dr. Baker over? A Yes sir.
- Q And took his testimony a year or such a matter before ever you were admitted? A I think as well as I remember, yes sir.
- Q Now the way you came to get Campbell Taylor was on the recommendation of old man Bryant? A I didn't get him, didn't use him.
- Q The way he came into your case? A The way he claimed to come in.
- Q He did more in your case than Bryant did? A Campbell didn't do anything.
- Q What did Bryant do? A I think he helped my brother take evidence by brother employed him.
- Q How did you happen to be ending up by by Campbell to Mr. Duncan? A I never sent him any money.
- Q Then when he, Mr. Duncan, states that Campbell delivered the money as Campbell said he did, both were wrong? A Oh no, you are mistaken, Mr. Duncan got 20 or 25 dollars, which he stated, from Campbell Taylor, for me.
- Q How did you happen to give it to Campbell? A I give the money to Campbell to give to Joel Bryant, and he wouldn't do it, and I tried to get the money back from him, and I finally worked the 20 or 25 dollars he gave to Duncan.
- Q Then you didn't tell Duncan as he testified that you sent 20 or 25 dollars by Campbell Taylor? A Campbell Taylor agreed to pay Duncan 20 or 25 dollars for some of the money I give him to give to Joel Bryant.
- Q The family kept Campbell Taylor employed though as their attorney after that? A In the James Dawson case I think so.
- Q E. Dawson, you remember, had his for his grand-children? A That is my understanding.
- Q And your uncle James Dawson had him in the case of his children? A Uncle James had nothing to do with it; James Low and Will Jackson got him; that was my understanding of who employed him.
- Q The record here shows that the case was originally instituted by C. H. Taylor and was finally submitted by him September 2nd, 1904, in the James Dawson case? A I don't deny him being in that case.
- Q You say he was employed in the E. Dawson case? A I don't know who was in the Douthett children's case.
- Q The record shows that Campbell Taylor instituted the case, and it was finally submitted by him, and Mr. Sawyer, who testified a while ago? A That was in the James Dawson case, wasn't it?
- Q That was in the E. Dawson grand-children? A Elbert?
- Q No, in the Douthett children's case? A Oh yes.

- Q He was likewise attorney in the Mary Dawson case was he, and for the Adair court, the 4th of October, 1887, in the case of James K. P. Dawson? A I don't know anything about that.
- Q And the case likewise of Wiley Dawson? A I don't know anything about those.
- Q They are relations of yours? A Well I couldn't say.
- Q James K. P. Dawson proves to be a son of Wiley Dawson? A Well if he is he is in connection then. There are so many Dawsons I don't know them all.
- Q You know Andrew J. Dawson? A Yes sir.
- Q The lawsons have so many children their brothers didn't hardly know them did they? A That's it, I don't know them.
- Q Well then you don't know who Andrew J. Dawson is? A No sir, I don't know.
- Q He refers in his application as being a cousin of F. Dawson, and your self, who were admitted to citizenship by the Texas Court? A He may be, I don't know nothing about it.
- Q He resided I believe, at that time at Nevada, Missouri? A I don't know anything about their people.
- Q Old man Baker was an old and paralyzed man at the time he testified wasn't he? A Getting old, he was not paralyzed.
- Q Then the statement made that the reason he couldn't write his name and had to make his mark, because he was paralyzed, in the testimony isn't that true? A He didn't have good use of his fingers.
- Q Then he was not paralyzed? A No, I brought him over there in a hack from Berryville, Arkansas.
- Q Well I say he was a very old man? A Yes, getting old.
- Q How didn't you come to this place up there joining Broome's and work on it some time before you brought your family? A No, I brought my family with me, except my wife.
- Q And you subsequently built a log house on it? A Yes sir.
- Q And went back and got your wife and moved them to the log house? A Yes sir, went to Funka and got my wife.
- Q You never saw your grandfather at all? A Sam Dawson, yes sir, I saw him.
- Q You remember do you of being with him much of any at all? A I was in Texas in time of the war, with my uncle Wiley Dawson, and he was there.
- Q In '60 sometime? A '62, I reckon, or '63. Somewhere along there, it was in time of the war.
- Q How old a man was he at that time? A Pretty old man.
- Q You never saw your grandmother, she died before she came? A Yes sir, I never saw her at all.
- Q Who first started the citizenship matter, your brother in Texas or you? A Why it was me, and my brother together.
- Q I mean who first conceived the idea? A I first conceived talking about it.
- Q And sent down for him? A I was in Texas with him and then in Arkansas; I went backwards and forwards a time or two after the war.
- Q About that time nearly everybody in Arkansas were trying to get some claim of kinship to Cherokees? A No sir, not at that time.
- Q They were getting pretty thick in there in 1880? A Well in '87 and '4 and '5 I think.
- Q Been some excitement over there to get yourselves on the rolls? A Just got to be everybody; but it wasn't at the time we were admitted there was not much stir about the rights here.
- Q Well the Watts had been admitted before that? A I suppose they had; there was not much excitement over the Watts claim at that time.

BY MR. HASTINGS:

Q You did locate and board with Sam Shables when you first came to Tahlequah in '81? A I think I did.

Q Your brother Mike Dawson stayed there also? A Yes sir.

Q Sam Shables lived in the north end of town, old German? A Yes sir, old German, lived in the lower part of town.

Q Did you ever hear the names of any other witnesses which you stated perhaps testified in your case? A I have heard that but I have forgot them.

Q You don't recollect any name now? A I don't remember them now sir.

Q In the Irene House case and Joanna Barber case, in which you testified before the Commission, when you were making search for this testimony you couldn't find any other testimony from that of record except the Dr. Baker testimony, could you? A That's all we could find; no we didn't find the testimony, we got a copy.

Q Well it must have been a copy of the original, the certificate shows that? A I don't know; House got a copy of what claimed to be the affidavit of Baker and he told me to give it to him; that is all I know about it.

Q Well the certificate there does not bear my certificate does it? A I don't know about that, I am no scholar.

Q Well you didn't get the testimony of any other witnesses except that of Dr. Baker; you couldn't find any other over there of record? A I didn't hunt for any; House hunted for them.

Q None of you have ever been able to find any other? A No. Not even find our petition.

Q Samuel R. Dawson applied to what is known as the Adair Court, didn't he? A I don't remember now.

Q He was an uncle of yours wasn't he? A Yes sir, claimed to be.

Q The father of these two parties who testified here this morning? A Well I don't know, they claimed to be, I never let them to know them.

Q He was rejected by the Adair Court, or Hayes Court? A I don't know whether he filed his petition.

Q Did you testify in his case? A I don't remember; I might have done it.

Q Didn't you testify in the Andrew J. Dawson case before what is known as the Hayes Court? A I don't recollect, if I did I don't remember.

Q Did you testify in the Riley Dawson case? A No sir, not that I remember.

Q Didn't you know of his being rejected by that court? A I don't remember, sir.

Q You know that the Cherokee Council never authenticated the roll of 1896, don't you? A No sir, I don't know it; I didn't know this was done until I went to Tahlequah after some papers and come back and they told me about it.

Q You never found out that C. H. Taylor was a big rascal up until the present time have you? A (No response)

Q The records here show that he has been in the constant employment of your family from that date up to this time? A Why it shows here from the record; I would rather be excused for my part of it.

Q You were the man that had the most to do with it? A I never employed him, I saw my that.

Q You are the man that had most to do with the records? A In my case and in my father's case.

Q Didn't you testify for your uncle Jim Dawson? A Yes sir.

Q Wasn't he attorney for him? A Yes sir.

- Q Wasn't he employed by J. H. Dawson after you got your citizenship?
A Why not but the grand-children.
- Q J. H. Dawson's petition was filed in September 1883, after yours?
A Yes sir.
- Q C. H. Taylor, attorney of record, filed his petition? A He might have filed it for all I know.
- Q Well you hadn't at that time fallen out with C. H. Taylor had you? A Why no, we never did have any trouble, only over this money, he never would give it back to me or give it to Bryant.
- Q You never discovered that he was such a bad man until after your judgment was rendered? A I know he was not of good character.
- Q Are you and Bryant, this man who testified for the Cherokee Nation, on speaking terms? A Hardly speak.
- Q Does he refuse to speak to you? A So do as he does.
- Q Do you refuse to speak to him? A Yes sir.
- Q Have you been speaking to him for the last two or three months?
A I have not spoke to him until I met him there at the hotel the other day.
- Q First time you spoke to him since he had the boy arrested? A Yes sir.
- Q When did he have the boy arrested? A Along in September or October, September I think.
- Q When did Dr. Baker die? A I don't remember.
- Q You don't remember how much older your father was than you?
A No, I don't know.
- Q What is your age? A I will be 60 in May.
- Q Then you were born in '42? A Yes sir, '42 according to the record.
- Q Was your father as much as 25 years old when you were born?
A I couldn't say.
- Q What was your best judgment? A I suppose he was 20 or 25 years old. My understanding he married young.
- Q Can't you give any better idea than 4 or 5 years of your father's age? A I say 25.
- Q Your father was born say, 25 from 42 would have made him be born in 1817; now had your father any older brothers or sisters? A I think Jack Dawson was the oldest of the family, no, Betty, she was the oldest and Jack next, and then my father as well as I remember about it.
- Q There were two girls older? A No, one of the girls I never saw.
- Q Then you think there are only 2 older than your father? A Yes, that's my understanding of the family.
- Q Dr. Baker gives his age 73 in '82, which would make him be born in '89, now he states that when he was 15 or 16 years old, which added to 1809, will make 1824, that your grandmother Anna Pruitt, was a school girl; whereas from your testimony and that of the family history introduced here shows that your grandmother Anna Pruitt was the mother of seven children, the youngest being born in 1822, how do you reconcile that? A I don't remember about the statement of Dr. Baker; I don't know that he made such statement as that, I don't remember about it.
- Q And if he did you don't know how to reconcile it? A (No response.)
- Q Did you talk to any of the members of the Court that admitted you? A No sir, I was not acquainted with them.
- Q You know whether they were old or young men? A They were old men like Steve Tene, I got acquainted with him afterwards, and Tommie Thorpe, at the Council you know I was there a good deal.

- Q That was the fellow that was on the Court? A Yes sir.
- Q He was afterwards assistant Chief of the Cherokee Nation?
- A I think so.
- Q Steven Teece, that's the man you had reference to? A Yes sir, I think it was, I just knew the man; I had no acquaintance with him at all.
- Q B. V. C. Duncan boarded when you were down there at the National Hotel? A I think he did, as well as I remember now when he was admitted.
- Q Don't you know he did? A I think he did, as well as I remember.
- Q Were not you over there to his room? A I think I was.
- Q You remember when it was that you brought Dr. Baker down there to make a statement before the Court? A It was in January, Tex., was in January Term of 1882 I believe, it was, as well as I remember about it.
- Q Well you didn't take any more testimony after Dr. Baker testified?
- A No sir, I didn't.
- Q But your case was not submitted or passed upon for a year?
- A I think it was, yes sir, as well as I remember.
- Q I would like to ask you when the Blasingame family came to the Cherokee Nation? A Alex Blasingame came with us when we moved here, and went back and got his family and moved out fall.
- Q Did he move his family here that same fall? A Yes sir.
- Q What year was that? A In the fall of '83 I believe it was, as well as I remember now.
- Q When did the Bulaska family come? A I think the girl and the old lady came in the next spring.
- Q How long did they remain that time? A The old lady stayed here, but the girl went back and in a short time her and her husband come back.
- Q Did she come back until after her marriage? A No, she was married when she come first.
- Q The last time? A She was married I think, she was married when she come out.
- Q How long has August Bulaska been a permanent and continuous resident of the Cherokee Nation? A I think he come there in the fall of 1884 or 1885, I won't say which.
- Q How long has Robert Pierce been a continuous resident of the Cherokee Nation? A Ever since he was admitted.
- Q When was that? A '83.
- Q How long has Martin L. Patterson? A Ever since he married his wife, and he was living here before he married his wife.
- Q Who is Arizona Alrey? A That is my daughter.
- Q Did you bring her with you? A No not when I moved.
- Q When did she come? A She come out in a year or two after I moved here.
- Q Was she married when you moved here? A No sir, she was not married.
- Q She was not married when you were admitted? A No sir, she was a child.
- Q When did Jim Lowe come to this country? A With his grandfather, James Dawson.
- Q What was his mother's name? A Melvina Dawson.
- Q You know Jim Lowe's age? A No sir.
- Q Don't know how old he was in '83? A No sir.
- Q Was he grown? A I think he was.
- Q Married? A No no.
- Q Married in this country? A Yes sir.
- Q Who is James H. Harmon? A Married one of the Jackson girls.

Q When did they come to this country? A Right away after they was admitted.

Q In what year? A I think the winter of '94, I think it was, spring or winter of '94.

Q You know Gideon Graham? A Yes sir.

Q Who is his mother? A Missouri Ann Graham, formerly Missouri Ann Dawson.

Q Did he come from Texas to Arkansas? A Come from Texas.

Q Did you know them in Texas? A I knew the girl.

Q You never knew them until they come to this country? A I never knew Gid.

Q When did you see him here? A I think they come here in the fall or winter of 1894 or '95.

Q He was married then? A I think he was.

Q Brought his wife? A I think he was, I don't know.

Q Did he have any children when you first saw him? A He come to my house and I never saw his family for-I don't know, for several years.

Q You understood he had a family? A Yes sir.

BY MR. McKEITHEN:

Q Did you mean to say '84 or '94? A '84.

Q Did you see Gid Graham in '84? A '84, let me study, March '85.

BY MR. HASTINGS:

Q Did you see him in '85, are you positive on that proposition?

A I think so.

Q Will you swear it? A No sir, I won't positive swear it, but I think it was, as I remember how it was; I couldn't say positive.

Q All the people Mr. Dawson that have been admitted to citizenship by courts of competent jurisdiction unless they were de-citizenised by courts of acquired jurisdiction, enjoyed the same privileges that you have narrated here about going to school and being tried in the courts? A Yes sir.

Q All that sort of thing that you have been telling here in your direct examination? A Ask me the question again.

Q I say all people who were admitted here by courts of competent jurisdiction, until they were de-citizenised by courts of like jurisdiction, enjoyed the same privileges that you did? A So far as I know they was.

Q They all drew money and all tried in the courts as long as we had tribunal courts, were they not? A Yes sir, so far as I know.

Q There was no special privilege granted to you in preference to anybody else? A None but recognized citizens of the Cherokee Nation.

Q Well you had been recognized since you were admitted? A Yes sir, I enjoyed the same privileges of native born Cherokees.

Q Well I say there is nothing special about it? A No, I don't know as there is.

Q You got acquainted with Mr. Duncan while you were up there during the hearing? A Yes sir, I was acquainted with him, I met him, then I saw him.

Q Mr. Pill Ross did the examination of Dr. Baker? A Yes sir.

Q Did you file any other paper before the Court other than your petition and then Dr. Baker's statement? A I never filed any petition there at all.

Q None whatever? A I don't remember any.

Q Well you never had occasion to file any papers before Mr. Duncan? A I got him to do some writing for me.

Q What? A Letters to my brother in Texas.

Q Which Dawson? A Yes sir, E. Dawson.

Q That? A Yes sir, Buck Dawson.

Q Well is that all he did for you? A I don't remember anything about it.

Q Why didn't you get your attorney to do that letter writing? A There was not any there.

Q Taylor nor Benge was not there then? A No sir.

Q That is what you paid the 20 or 25 dollars for, was writing this letter back to your brother? A I paid him for that claim.

Q When did you pay that? A I think I paid it, I don't exactly when, Camp Taylor paid it a year or two after I moved out here and settled where I did; might have been 2 years. I don't remember.

Q There was Duncan living then? A I couldn't say where.

Q Was he still clerk of this Court? A No sir, not when that money was paid; that is, when Camp Taylor said he paid it.

Q You did send Camp Taylor some money? A I sent some money to him for Joel Bryant.

Q You knew Joel Bryant's address didn't you? A No, I don't know that I did, No I didn't send Camp Taylor any money, I gave it to him.

Q How much did you give him? A One hundred dollars.

Q When? A Right at that time; he claimed it from me as soon as we got our papers; he came onto me and claimed it for Bryant.

Q You never sent him any then after that? A No sir.

Q Did you ever see Bryant after that? A Yes sir.

Q How long after that? A I don't know, a year or two afterwards. a year I believe, my brother wrote, I wrote to my brother about paying Camp Taylor money and he went onto my brother about it and he never paid him until we moved out to this country.

Q After all that you got him to attend to your uncle Jim Dawson's and the other relatives cases? A The other parties did.

BY MR. MCKENNON:

Applicants object to all that part of the witness' evidence in response to interrogatories by representatives of the Cherokee Nation which relates to the character of the evidence upon which the judgments admitting members of the James and Robert Dawson families were admitted, and to the history of the members of the Dawson family, because the same is immaterial, incompetent and irrelevant.

BY MR. MCKENNON:

Q One question I omitted to ask you Mr. Dawson, as to the Court at the time the judgment admitting Robert Dawson's family was rendered, who of the judges were present on that day? A They was all three of them, Wolfe, Teebe and Thompson.

Q Are you positive of that fact? A Yes sir.

Q You do not know this Andrew Dawson family who applied to the Dawes Commission for Cherokee citizenship, and who stated that they are cousins of some members of your family? A Andrew?

Q Andrew J. Dawson, who claims to be from Missouri? A How was the question?

Q You do not know them do you? A I don't know that they are any kin to us.

Q You don't know that they are related to you at all? A No sir.

Q This Mary Dawson case, do you know the members of that family?

A No sir, I don't.

Q Don't know who they are? A No sir.

Q The Rebecca Dawson case? A I don't know her either.

Q You don't know whether they are related to you or not? A No sir.

Q If any of these persons are related to you or your family did you have any knowledge of it? A Not as I know of.

Q Joanna Barber, do you know anything about them? A They claim to be kin to us.

Q Where are they from? A They are from Texas.

Q Do you know they are related to you? A They claim to be kin.

BY MR. HASTINGS:

Q Well you swore for them before the Commission? A Yes, they claim to be kinfolks of mine.

BY MR. McKENNON:

Q Irene J. House, who is that? A That is a cousin of mine; claims to be.

BY MR. HASTINGS:

Q You testified for her didn't you before the Commission? A I think I did as well as I remember.

BY MR. McKENNON:

Q Before the Court that admitted James Dawson and family, who were the witnesses there? A Oliver Miller, from Berryville, Arkansas.

Q Who were the others? A Myself and J. Dawson and there was two other witnesses, I don't remember who they are.

Q Were they Cherokee citizens and residents of the Cherokee Nation? A Yes sir.

BY MR. HASTINGS:

Q You don't remember their names? A Which?

Q Of these other people who claimed to be citizens of the Cherokee Nation and who were witnesses? A I said about me and J. Dawson was citizens of the Cherokee Nation.

Q You only proved that Jim Dawson was a brother of Robert Person before the Court? A Yes sir.

Q And then referred back to the decision in the Court before? A We proved that they were citizens, and he knew by folks before he ever come here.

Q Was he older than Dr. Baker? A About the same age.

Q Why didn't you get Oliver Miller's testimony in the House case?

Q He was dead.

Q You and no member of your family in the Irene House case or the Joanna Barber case or any of those cases that were tried before the Daves Commission in your affidavits ever had reference to the fact that Oliver Miller testified in Jim Dawson's case in '84 did you?

A I don't remember about that.

Q You did make reference to the fact that Dr. Baker testified there in '83, didn't you? A I don't remember about that now.

Q You never made reference to any other witness having testified other than Dr. Baker did you? A I don't remember about it now.

BY MR. McKENNON:

Q Now just one other question: All of these papers in the original application and everything, so far as you know, in the James Dawson case, were filed before the Commission which admitted the James Dawson family, are lost or mislaid are they not? A I suppose they are, I don't know, I never saw them.

Q Have you tried to get copies of them? A Yes sir, I tried to get the original papers.

BY COMMISSION: This case is continued until 8:30 a.m., tomorrow morning, March 20th, 1902, it now being the hour for adjournment.

MARCH 20, 1902, - 8:30 a.m. - T. L. DAWSON again on the stand, testifies as follows:

BY MR. McKENNON:

Q Where was your brother Mel Dawson raised? A In Arkansas.

- Q What county? A Carroll.
- Q How far is town? A Berryville.
- Q Did Dr. Baker live at Berryville? A Yes sir.
- Q Was your brother intimately acquainted with him for many years?
- A Yes sir.
- Q Did he know him sufficiently to be acquainted with his character and habits of life? A Yes sir.
- Q Do you know Josephine Pierce? A Yes sir.
- Q Where daughter was she? A Robert Dawson's.
- Q Is she the same identical person who is called Josie Pierce, and Josie Dawson? A Yes sir.
- Q Is there any other Josie Pierce or Josie Dawson or Josephine Pierce or Josephine Dawson? A I don't know but the one.
- Q She was also called Josephine or Josie Kelly? A Yes, after she married; her first husband was Pierce.
- Q And her second husband? A Was Kelly.
- Q There was another Josephine Dawson wasn't there, Bullock's wife?
- A Why they called her Joe, I suppose that's her name, I could not be positive; that was Riley Dawson's daughter, August Bullock's wife.
- Q She is much younger than your sister, Josephine, above referred to? A Yes sir, oh yes.
- BY MR. HUTCHINGS:
- Q Where were you born, Mr. Dawson? A Carroll County, Arkansas.
- Q You know how old you are? A 42.
- Q 42? A I think so.
- Q How many older children were there of your father and mother than yourself? A Three.
- Q Which were they? A E. Dawson, Riley Dawson and Jasper Dawson.
- Q You are the fourth child and the fourth boy? A Yes sir, fourth boy.
- Q Where were your father and mother married, do you know, from family history? A I think it was in Arkansas, I couldn't be positive, I think they was.
- Q Do you know how long your grandfather lived in Arkansas? A No sir I don't.
- Q Don't know what year he came to Arkansas? A Only from statement.
- Q Well what did they say about it? A I think they come there sometime in '30.
- Q You know whether your father was born in Arkansas? No many of your grandfather's children were born there? A There was none of them born in Arkansas according to history and according to what he always told me, they were born in Tennessee.
- Q He come there in '30, and all the other children were born on the Hiwassee River in Tennessee, before he ever came? A That is what I think, yes sir. Now I am not positive about that.
- They were from Tennessee, but either Dr. Baker lived there or my folks come from there; I don't know as I remember that I ever heard my father say where he was born at.
- Q In Tennessee somewhere; he said he was a good big boy when he came to Arkansas? A I don't know as I ever heard him say.
- Q Do you know the difference in the ages of yourself and your three older brothers? A No I don't.
- Q Don't know the time that comes in between you? A No I don't know that; I think it is about two years though.
- Q That would make E. Dawson about eight years older than you, probably? A Yes sir.

BY MR. McKENNON:

Q Did Josephine Pierce have a daughter who married Mr. Bogle?
A Yes sir.

Q What was her name? A I always knowned her by Dede Pierce; I don't know whether that is her right name or not.

Q What is Bogle's name? A John Bogle.

Q She is the child of Josephine Pierce who married John Bogle?
A Yes sir.

BY MR. HASTINGS:

Q Where did she marry John Bogle? A Near Afton.

Q When? A I couldn't state.

Q About when? A You have got a copy of the marriage license.

Q When did Josephine Pierce come to the Cherokee Nation? A '83.

Q Has she lived here continuously since that time? A Up until her death; she is dead.

Q Any of her children come with her at that time? A Yes sir.

Q And have they lived here continuously since that time? A Yes sir, except Bill Pierce, he went to Colorado and died.

J. C. STARR, being first duly sworn and being examined,
testified as follows:

BY MR. McKENNON:

Q Your name is J. C. Starr is it? A Yes sir.

Q Mr. Starr, was that instrument taken by you, or before you?
(Showing witness document.)

A Yes sir.

Q Where? A At the residence of S. H. Bengel near Fort Gibson.

Q When? A On the 15th day of this month.

Q What day of the week was that? A On Saturday.

Q Is that the day it was taken? A Yes sir.

Q Did you go there on Saturday to take this? A Yes sir.

Q Then when Judge Bengel stated on Tuesday that it was taken
"yesterday" meaning Monday, the 17th, he was mistaken, was he?

A It was taken Saturday, the 15th.

Q Was he mistaken or not? A It was not taken then.

Q Then his statement made on Tuesday the 18th that it was taken on
"yesterday", meaning Monday, the 17th, was not correct, was it?

A I think not, because I was there, and it was taken on the 15th.

Q And it was taken on the 15th, you are positive it was taken on
the 15th? A Yes sir.

Q Then of course his statement could not be correct? A I guess not.

BY MR. HASTINGS:

Q He was just mistaken about the date, wasn't he? A Yes sir.

BY MR. McKENNON:

Q Did you tell Charles T. Moore who is now present, on last Tuesday
that they sent you out there on Monday to take that? A No sir.

BY MR. HASTINGS:

Q I sent you there last Saturday? A Yes sir.

Q And you went there at my direction, didn't you? A Yes sir, and
come back Saturday night.

ROBERT L. DAWSON, being first duly sworn, and being examined,
testified as follows:

BY MR. McKENNON:

Q What is your name? A My name is Robert L. Dawson.

Q What is your age? A My age is something close to 30 years old,
I am 29 past.

Q Are you a son of E. Dawson, commonly known as Buck Dawson?

A Yes sir.

Q I will ask you if you will examine this letter sent with the enclosure and state whether or not you found that among the papers of your father after his death? A (Hands letter to witness who examines it) A Yes sir, I found this amongst the papers of my father. He always kept all his own papers, and he looking over them I saw this letter.

Q Has that been in your custody ever since you found it? A Yes sir, if that's the letter that was in the envelope.

Q Well that's what it is, you can tell whether it is or not. (Witness further examines letter) Q That purports to be a letter from Samuel H. Benge, does it not, to your father? A Yes sir. (Here applicants' attorney hands letter and envelope referred to to attorneys for Cherokee Nation.)

BY MR. McKENNON: I want to offer this letter in evidence in this case; it is a letter signed by S. H. Benge, attorney at law, dated Fort Gibson, C. N., Jan. 13, 1883. Addressed to Mr. E. Dawson, Esq., together with the envelope, in which it was enclosed, with the card of C. H. Taylor upon it, attorney at law, Tahlequah, Indian Territory, and postmarked Tahlequah, Ind. T., January 13.

BY MR. HUTCHINGS: The Nation objects to the introduction of this letter for the reason that S. H. Benge is living and has testified in this case, and his handwriting should be either proven or denied by himself.

G. W. Benge, being first duly sworn, and being examined, testified as follows:

BY MR. McKENNON:

Q What is your name? A G. W. Benge.

Q Are you a son of Samuel H. Benge? A Yes sir.

Q Do you know his handwriting? A I believe so.

Q Is that his handwriting? (Shows witness letter before referred to.) A Yes sir, it is either his or a resemblance of his.

Q To the best of your knowledge and belief is that his letter?

A Yes sir.

BY MR. McKENNON: Now we offer it in evidence.

BY COMMISSION: (Reading letter)

Fort Gibson, C. N.,
Jan 13th, 1883.

Mr. E. Dawson, Esq.,

Dear Sir:- I write this note to inform you that your case came off before the Court on Citizenship on the 11th inst, and was decided in your favor, so you all are citizens of this Nation. F. M. Dawson was furnished with a copy of the decision at the court. He will write to you also. You will please send me fifty dollars as my fee in your case according to contract. Send it to Fort Gibson, Cherokee Nation.

Respectfully yours,

S. H. Benge,
Attorney at law."

Enclosed in envelope, as follows:

Card in upper corner, left hand:

"Return in ten days to C. H. Taylor,
Attorney at Law,

Tahlequah, Ind. Ter."

Addressed: "Mr. E. Dawson,

Henryetta,
Clay Co., Texas."

Post-marked: " Tahlequah, Jan 17 Ind T."

ROBERT L. DAWSON, -re-called and further examined, testified as follows:

BY MR. McKENNON:

Q Now examine that and see if that is also a paper which you found among your father's papers after his death? (Hands papers to witness) A That is the same letter that I found.

Q Among the same that you found the Benge letter? A Yes sir.

BY MR. McKENNON: This is a letter purporting to have been written by J. M. Bryan, to E. Dawson, dated at Chouteau Station, Cherokee Nation, and not dated, which we offer in evidence. (Applicants' attorney hands said paper to Nation's attorneys.)

Q Mr. Bryan is dead is he not? A I think so.

BY MR. HUTCHINGS: We have no objection.

BY COMMISSION: (reads letter)

"Chouteau Station, Cherokee Nation.

I. T., M. K. & T. R. R.

MR. Dawson:

Dear Sir:-

I am in receipt of your favor of the 30th inst in regard to our contract.

After I had got the claim so there would be little more to do I employed Campbell Taylor to answer for me when the case came up, for which I was to pay him \$20 out of my fee.

This all the action I had in the matter with Taylor.

I saw Taylor in Washington last month, and he told me that your brother had made another contract with him, and paid him, or that you was to pay him \$100- and that you had offered him a check on some bank in Texas.

That \$100- matter with Taylor, I have nothing to do with, nor couldn't have if I wanted to.

I hope Mr. Dawson this letter will explain the matter fully.

And I am satisfied that you are apprised of the earnest work I done for you, Please write to me.

Very respectfully,

Very truly,

J. M. Bryan."

Q I will ask you if you know of your father having paid Bryan that money? A Yes sir, paid him a horse and some other money.

BY MR. HUTCHINGS:

Q How old was your father when he died? A He, I don't know whether I know his age or not.

Q If you don't know you can't say? A I wouldn't have no reason to know his age; never asked his his age; of course I guess by other knows.

Q Never had occasion to talk about his age at all? A Oh I have heard him speaking of his age at different times, but then I never paid enough attent on to it.

Gid Graham, being first duly sworn and being examined testified as follows:

BY MR. McKENNON:

Q What is your name? A Gid Graham.

Q How old are you? A Mr. Graham? A I am 35 years old.

Q How long have you been living in the Territory? A I came out here in 1887 or '88.

Q To the Cherokee Nation? A Yes sir.

Q How long have you been living in the Cherokee Nation, what year was that '87 or '8? A Yes sir.

Q Have you resided here continuously from that time ever since in the Territory? A Yes sir.

Q How long did you live in the Cherokee Nation? A About 6 years.

Q Where did you go then? A Wagoner.

Q In the Creek Nation? A Yes sir.

Q And been residing there ever since? A Yes sir.

Q In business? A Yes sir.

Q Have you all the while been recognized as a citizen of the Cherokee Nation? A Yes sir.

Q Mr. Graham, do you know Judge Samuel H. Benge? A Yes sir.

Q Did you have a conversation with him in Fort Gibson about September of 1900? A Well as to the exact time I couldn't say, it was sometime about the time that the Dawes Commission were at Sallisaw, or possibly a little later, somewhere about there.

Q Taking the census of the Cherokees? A Yes sir.

Q At that time had the question of the validity of the judgment of the Cherokee citizenship commission admitting Robert Dawson and family been called in question? A Yes sir.

Q Did you talk to him about the facts concerning the obtaining of that judgment? A I did.

Q What did he tell you about it; well I will just ask you, did he then and there tell you that that judgment was regular and all right nothing wrong with it? A He did.

BY MR. HUTCHINGS:

Q You were looking around for testimony at that time, Mr. Graham, were you? A How was that?

Q You were looking around for testimony at that time, expecting this case to be questioned? A Since the validity of that judgment had been attacked by the authorities of the Cherokee Nation, I thought it was well to look into the matter.

Q And he told you the judgment was all right? A Having known that Mr. Benge was connected with the case, I saw him in Fort Gibson, subsequent to that time and asked him about it, if there was anything wrong about the matter, and also that I might want his affidavit concerning the matter, and I also I think maybe wrote to him; possibly prior to that, I am not sure as to the writing, but I think possibly I did.

Q Did he tell you he would make an affidavit? A I don't think at that time that I asked him for an affidavit. I thought as he lived right near here I would use him in person; he assured me that everything was all right.

Q Your mother was Missouri Dawson was not she? A Yes sir.

Q Her name was Missouri Graham when she was re-admitted to citizenship? A Yes sir.

Q And was not Missouri Dawson as named in that judgment? A Yes sir.

Q Do you know whether the other children named in there had married and changed their names also at the time they were admitted?

A There were not any of them married.

Q Ella Dawson was your aunt? A Yes sir.

Q Was she married at that time? In 1883? A Yes sir.

Q Melvina Dawson, was she married at that time? A Yes sir.

Q And the fourth one you have mentioned, Missouri Dawson, was your mother? A Yes sir.

Q Can you give us the exact date of your birth? A Yes sir.
Q Do so, please? A January 21, 1867.
Q And you came to the Territory when? A In 1887 or 1888.
Q You can't make that any more definite? A Well sir, it has been a good while ago, and I didn't have anything to cause me to.
Q Well I just want to know whether you did have or not? A No sir.
Q When were you married? A 1885.
Q You were married prior to coming here? A Yes sir.
Q Your first child born away from here? A Yes sir.
Q What is its name? A John W.
Q '86 you were married and he was born about the spring of '87?
A Somewhere in 1887. I don't remember.
Q Prior to your coming here? A Yes sir.
Q That is the only child you had that was born away from here?
A No sir, Julius.
Q Julius was not born in the Territory? A No sir.
Q And prior to the time of your removing to the Territory? A Yes sir.
Q These are the only children born out? A Yes sir.

BY MR. McKENNON:

Q Do you know Campbell Taylor? A Yes sir.
Q I will ask you if about February 1901, he came to Wagoner, and sent his son to have you come to the hotel at night where he was, and if he then and there said to you "You people are on the doubtful list, and if you will give me five hundred dollars I will make it all right and see that you are enrolled, and if you don't I will see that you don't get on".? A Well now as to the first part of that question, where you say he sent his son; that is an error; I don't know whether he came to my house or sent some one; when I returned home that evening my wife told me there was some one there to see me, and was at the city hotel at Wagoner, and said come down and see him; I went down there; I never had met Taylor; he introduced himself to me and stated what his business was; asked me if I was on the doubtful list, etc., to which I replied that we were; he asked me if I didn't want to employ him, stating that if we would give him, our family would give him five hundred dollars he would see that we were placed on the rolls all right, but if we refused to give him five hundred dollars that he would use his influence against us and see that we were rejected.
Q You never had met him before, or had any communication with him?
A I never met him before; as to the communication, I may have written him something about his affidavit as to the validity of that judgment, I can't say as to that. He said in his testimony that I did; I don't know whether I did or not now.

BY MR. HUTCHINGS:

Q You knew he was the attorney in the case, originally? A After looking at the records I did.
Q I mean you knew it at the time you wrote to him about the affidavit; that was the reason why you thought he would know something? A Certainly.
Q He never told you he was going to swear against you or threatened to tell anything that was not true? A He just simply said unless we gave him that five hundred dollars he would see we were all put off the rolls.
Q Said he would use his influence against you, that is what he said? A Yes sir.

BY MR. HASTINGS:

Q You don't deny writing to him then for the affidavit? A I don't say I did or I did not; I neither affirm it or deny the question.

Q You went to Captain Benge and also wrote him with reference to what he knew about the case? A I don't know whether I wrote him or not, I said I was under the impression I wrote his son.

Q You went to see Aaron Butler, who was interpreter before that court that admitted you? A Yes sir.

Q And you went with Aaron Butler to see Jim Smith, attorney before that court? A Yes sir.

Q And you either wrote or went to see everybody you knew of that was before that court then? A Yes sir.

Q That shows you used considerable activity? A Yes sir, I used such activity as was to my interest.

BY MR. McKENNON:

Q That was all after the representatives of the Cherokee Nation objected to the enrollment of the Dawson family and by reason thereof such as had appeared before the Commission had been placed upon a doubtful card? A Yes sir.

Q Then you began to look up the evidence and see what there was in it? A Yes sir.

Q As Mr. Hastings has stated? A That's right.

BY MR. McKENNON:

Q You are a grandson of James Dawson? A Yes sir.

Q The old gentleman? A Yes sir.

Q About what was his age when he was admitted to citizenship in the Cherokee Nation, in 1834, wasn't it? A Yes sir, well I can't be exact as to that.

Q Well as nearly as you can? A He was somewhere about 70 or 72, years of age.

Q Well what other James Dawson did you know belonging to the families, either one of these families, Robert Dawson family or the James Dawson family? A I never knew of but two James Dawsons.

Q Who were the others? A Dr. James R. Dawson, who is present and standing right here; my grandfather, James Dawson.

Q Was there in '84 any James R. Dawson 35 or 40 or 45 years old, that you know of, belonging to either one of these families?

A No sir.

Q Do you know how old Dr. James R. Dawson was that that time?

A James Dawson? Q No I am speaking of Dr. James R. Dawson? A Oh, how old he was, no sir, I do not.

BY MR. HUTCHINGS:

Q Do you know who was here attending to your father's citizenship case at that time, at the time they were admitted? A Yes sir, James Low and Bill Jackson, son of Ellen Jackson.

Q Who was W. A. Dawson? A That is Wilburn, my uncle.

Q Was he here? A I don't know sir.

Q You were not here any of the time? A No sir.

Q You knew your grandfather then, you had lived in the same neighborhood with him? A Yes sir, I knew him well.

Q He didn't die for a year or two after that did he? A After when, Mr. Hutchings?

Q After his admission to citizenship? A No sir, he didn't die I think until '91 or '90, several years after.

Q Very old man when he died? A Yes sir.

BY MR. McKENNON:

Q About what age? A He was approximately 80 years old.

BY MR. HUTCHINGS:

Q When he died? A Yes sir.

BY MR. HASTINGS:

Q That about 1891? A I think so, yes sir.

BY MR. MCKENNON:

Applicants object to the testimony of the witness elicited by interrogatories of Counsel for the Cherokee Nation relating to his family, their history, etc, as being immaterial, irrelevant and incompetent.

James R. Dawson, being first duly sworn, and being examined, testified as follows:

BY MR. MCKENNON:

Q Your name is James R. Dawson? A Yes sir.

Q Where do you live? A Afton, Indian Territory.

Q What is your age? A 45.

Q You are a physician are you not? A Yes sir.

Q Was James Dawson, whose family was admitted in 1884, an uncle of yours? A Yes sir.

Q Do you know what his age was at that time? A No sir, I do not, only approximately.

Q State as nearly as you can? A At the time of the admission?

Q Yes sir? A About 70, I don't know exactly.

Q How old was he when he died? A I would suppose he was about 78.

Q What was your age in 1884? A I am 45.

Q What year were you born, Doctor? A I was born in '55.

Q Must have been '56? A Yes sir, that's right.

Q What was your age then? A In '84?

Q Yes sir? A About 28.

Q Were you present at the time that James Dawson family was admitted, or at any time while their case was pending before the Cherokee citizenship commission? A Not while the James Dawson case was, no sir.

Q You were present during your father's case? A I was there at the time.

Q When was that? A The dates I disremember; when the case first came up, I disremember the exact date.

Q How long were you there? A I was there about a week.

Q Was that when it first came up you say? A Yes sir.

Q Nothing was done? A No sir.

BY MR. HUTCHINGS:

Q You never saw Dr. Baker? A Yes sir.

Q Did he and your uncle Jimie use to talk about how they played together when they were boys? A My uncle Jim and Dr. Baker talk?

Q Yes? A I never saw them together.

Q They were about the same age? A Yes sir, I believe Dr. Baker was 15 years older probably.

Q Dr. Baker must have been mistaken about his own age? A Guessing, that's all I know about his age.

Q The Doctor had been paralyzed, rather a decrepit looking man at the time he was over here at this citizenship business? A No sir, not as I know anything about.

Q He was near about 70 then? A I couldn't tell you, he was an old looking man.

Q Your uncle Jimie was about 70? A Yes sir.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

W. W. HASTINGS, being first duly sworn, and being examined testified as follows:

BY MR. HUTCHINGS:

Q State your name? A W. W. Hastings.

Q Residence? A Tahlequah, age 35.

Q You are attorney for the Cherokee Nation in the general preparation of these cases? A Yes sir.

Q Just state how it happened that you summoned Mr. Campbell-Taylor, and what occurred between you with reference to his testimony?

A Well there had been some talk, as the testimony here indicates, that there was perhaps fraud in the admission of this family, and by agreement with counsel on the other side, and the Commission, this case was set for the 17th day of March, and some short time prior to that, as the attorney for the Nation I began to make some preparation or inquiry into the case, and I wrote a great many letters around to different people and among them I wrote C. H. Taylor to come down here. I don't think in that letter that I told him what I wanted with him. I don't think I told him the case that I wanted him to testify in; that is my recollection now. Mr. Taylor prior to that time, neither directly nor indirectly, so far as I know, ever gave me any information voluntarily against this family, or ever said anything that would lead me to believe that he knew anything of a fraudulent character connected with it. But I surmised him; perhaps the fact that I knew he had been connected with them in some way and that I perhaps also would get some information from him. Well he came in response to a letter that I wrote, and I took him up to my office. I talked to him quite a long while. He was exceedingly reluctant about giving any testimony whatever, he told me first and last that he didn't intend to testify before the Commission. He told me he had been attorney for these people, and he didn't believe he could be compelled to testify, and that is he was put upon the stand he would claim that privilege, and he didn't believe I could force him to testify. I talked to him at some considerable length; I asked him what he knew about it; of course he for a long time declined to tell me; and what information I did get from him was by piecemeal. He was exceedingly reluctant all through the interview to give any information. I asked him finally though that if the Court compelled him to testify when he got before the Commission, if he would tell the facts about it, and he said that he would. I told him then that I would subpoena him. Well we talked quite a good while and finally after always telling me that he intended to claim that privilege, and never wanting to testify, he detailed to me the facts just as he told them on the stand; I don't believe there is the slightest variation, except that he perhaps was not so full at that time and it was told by piecemeal, but I got all those facts out of him, or very nearly all those facts out of him. He may have elaborated a little more here by examination; but he never voluntarily gave me any information at all, either directly or so far as I know indirectly. I don't think he sent any one to me. I got his name because I heard he was connected with the case, and perhaps knew something about it, like I did a great many other people, some of whom I didn't bring, because they didn't know what I supposed they did know about the case.

With reference to S. H. Bengé, I want to state that he never voluntarily gave me any information at all about this case, nor did I know that he knew anything in connection with this case until I sent J. C. Starr over to S. H. Bengé's place to take his affidavit on Saturday, March 15, in the W. H. and J. W. Shoemaker case, and their descendants. I had heard that Mr. Bengé knew some important facts in connection with the Shoemaker case and I sent him over there then to take that affidavit; and when Mr. Starr came back he told me that he knew some facts also in connection with these other cases, and I was surprised to find he had instead of one affidavit, in the Shoemaker case, that he also had another affidavit in the Dawson case. That is the first information I had that Mr. Bengé knew anything whatever in connection with the Dawson case, and therefore he never voluntarily, either directly or indirectly gave any information prior to that time to me.

I impressed upon Mr. Taylor that the Nation only wanted the absolute truth in this matter; that it was not seeking anything else but the truth, and didn't want him to tell anything else but the truth.

I want to say again that after he was on the stand and left that evening, and after Captain McKennon, or counsel for the family, had indicated his willingness for Mr. Taylor to testify, that he went over all of these facts that he testified to on the stand subsequent to that time in the presence of J. C. Starr in my office. I simply wanted to go on the stand for the purpose of showing that Mr. Taylor hadn't voluntarily given me any information, and

I make this statement for that purpose.

BY MR. McKENNON:

Q You had no power to compel him to give you any information at that time at all did you? A No sir, none other than the persuasion that I brought to use.

Q He therefore did it simply upon your persuasion? A Yes sir.

Q You knew he had been acting as attorney for these parties?

A Yes sir, I had seen from the record that he did too.

Q And he told you so? A Yes sir.

BY COMMISSION: The attorneys for the applicant and the representatives of the Cherokee Nation will be granted thirty days from the receipt of the transcript in this case in which to file a brief in this case with the Commission.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Arthur G. Evans, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing, and that the same is a true and complete copy of the original.

Arthur G. Evans

Subscribed and sworn to before me, this 12th day of December, 1902.

B. C. Jones

Notary Public.

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10/10/47
D. G. H. H.

File with Cherokee D-1127, Joe Willie Neal.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Francis M. Dawson, et al for enrollment as Cherokee citizens, consolidating the applications of,

| | | |
|-----------------------------|-------------|------|
| Francis M. Dawson et al | Cherokee D. | 324 |
| John Dawson, | " D | 580 |
| William R. Dawson, | " D | 581 |
| Andrew C. Atkins, et al | " D | 584 |
| Francis M. Dawson, Jr. | " D | 588 |
| Arizona Alfred, et al | " D | 835 |
| Samuel R. Dawson, et al | " D | 350 |
| Robert Dawson, | " D | 352 |
| Albert H. Dawson, et al | " D | 356 |
| August Bulawsky, et al | " D | 365 |
| John W. Dawson, et al | " D | 482 |
| Katie Newman | " D | 402 |
| John Dawson, et al | " D | 578 |
| Thomas P. Dawson, et al | " D | 360 |
| Orle H. Dawson, et al | " D | 530 |
| Robert Pierce, et al | " D | 408 |
| William Pierce, | " D | 409 |
| Charles E. Pierce, | " D | 431 |
| Oma Gray, et al | " D | 471 |
| Effie Pierce, | " D | 472 |
| John S. Bogle, et al | " D | 479 |
| Joseph R. Dawson, et al | " D | 564 |
| Wilborn Dawson, | " D | 475 |
| Charles T. Moore, et al | " D | 518 |
| James R. Dawson, et al | " D | 526 |
| Henry A. Blasingame, et al | " D | 832 |
| Elbert L. Blasingame, et al | " D | 833 |
| James R. Blasingame, et al | " D | 834 |
| Martin L. Patterson, et al | " D | 435 |
| William C. Dawson, et al | " D | 604 |
| Robert L. Dawson, | " D | 605 |
| Elbert B. Dawson, et al | " D | 608 |
| Richard W. Dawson, et al | " D | 617 |
| Ella L. Spickerman, et al | " D | 626 |
| Francis M. Dawson, | " D | 627 |
| Sarah J. Dawson, | " D | 609 |
| John W. Graham, et al | " D | 23 |
| Edison Graham, et al | " D | 35 |
| Nathan A. Palmer, et al | " D | 836 |
| Charles F. Bradshaw, et al | " D | 1124 |
| Joe E. Graham, et al | " D | 1125 |
| John F. Graham, et al | " D | 1126 |
| Joe Willie Neal | " D | 1127 |
| James M. Graham, et al | " D | 1128 |
| Green W. Jackson, et al | " D | 395 |
| James H. Harmon, et al | " D | 476 |
| Toshie A. Jackson, | " D | 508 |
| Lizzie Jackson, et al | " D | 830 |
| William C. Lenox, et al | " D | 847 |
| James Lowe, et al | " D | 859 |
| Millie T. Dawson, | " D | 406 |

| | | |
|------------------------------|------------|-----|
| Texasia Woolley, et al., | Cherokee D | 406 |
| Henry F. Richardson, et al., | " D | 715 |
| Etta Brauer, | " R | 12 |
| William A. Dawson, | " R | 13 |
| Alonso M. Fishback, et al., | " D | 345 |
| Hiram P. Waddle, et al., | " D | 521 |
| William D. Douthitt, | " D | 522 |
| Florence Morgan, et al., | " D | 737 |
| John E. Fishback, | " D | 845 |
| George A. Mabry, et al., | " D | 979 |

D E C I S I O N .

It appears from the record herein that applications were made to this Commission at the times and places hereinafter mentioned for the enrollment of the following named persons as citizens of the Cherokee Nation:

- D 324 By Francis M. Dawson, son of Robert Dawson, at Vinita, Indian Territory, on September 17, 1900, for the enrollment of himself and his minor children, Lula, Ray, Jessie J., Jacob L., Hugh A. and Laura A. Dawson as citizens by blood, and for the enrollment of his wife Katie Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 20, 1902.
- D 580 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 1, 1902.
- D 581 By William A. Dawson, at Nowata, Indian Territory, on October 13, 1900, for the enrollment of himself and his wife, Fannie Dawson as citizens by blood. Fannie Dawson has been differently classified and is not embraced in this decision.
- D 584 By Andrew C. Atkins, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Lissie Atkins and his minor children, Arthur, Edna E., Edward C. and George J. F. Atkins as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 10, 1902.
- D 588 By Francis M. Dawson, Jr., son of Francis M. Dawson and grand son of Robert Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself as a citizen by blood.

D 835 By Francis M. Dawson, Sr., at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of his daughter Arizona Allred and his grand-son William C. Allred as citizens by blood.

D 350 By Samuel R. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his two minor children August and Mate Dawson, as citizens by blood, and for the enrollment of his wife Catherine Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 3, 1902.

D 352 By Robert Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by blood.

D 358 By Albert H. Dawson, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself and his minor children Ralph H., Alford and Cecil Dawson as citizens by blood, and for the enrollment of his wife Sarah F. Dawson as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 3, 1902.

D 365 By August Bulawsky, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for his wife Josephine, and his minor children Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.

D 482 By John W. Dawson, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Nannie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 402 By Charles J. Newman, for the enrollment of his wife Katie Newman as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 13, 1902.

D 578 By John Dawson, at Nowata, Indian Territory, on October 15, 1900, for the enrollment of himself and his minor children Robert B., Iola M., Lemuel H., Rosa B., Charles B., Hattie J., Jennings B. and James U. Dawson as citizens by blood, and for his wife Sarah J. Dawson as a citizen by intermarriage. On November 20, 1901, an affidavit was filed for Vergal C. Dawson, a ninth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 20, 1902.

D 360 By Thomas P. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his minor child Mariee J. Dawson as citizens by blood.

D 530 By Orle H. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his minor child, Burr R. Dawson as citizens by blood. On October 31, 1902, a birth affidavit was filed for James W. Dawson, a second child of the applicant.

D 408 By Robert Pierce, at Vinita, Indian Territory, on September

24, 1900, for the enrollment of himself and his minor child Myrtle as citizens by blood, and for the enrollment of his wife Nellie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902. On January 9, 1902, an affidavit was filed showing the birth of Arthur Pierce, a second child of the applicant.

D 409 By William Pierce, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of himself as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D 431 By Charles E. Pierce, at Vinita, Indian Territory, on September 25, 1900, for the enrollment of himself as a citizen by blood.

D 471

D 472 By John B. Gray, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Oma Gray, his minor child, Cecil Gray, and his sister-in-law, Effie Pierce (now Effie Akin), as citizens by blood. John B. Gray is differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Vinita, Indian Territory, on October 4, 1900, and at Muskogee, Indian Territory, on July 21, 1902. On February 18, 1902, an affidavit was filed showing the birth of Velton Gray, a second child of the applicant.

D 479 By John S. Bogle, at Vinita, Indian Territory, on October 2, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy J., and his minor children, James E., Edna N., John H., Marvin R. and Claud Bogle as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902. On October 31, 1902, a birth affidavit was filed for Nancy Edith Bogle, born since the date of this application.

D 334 By Joseph R. Dawson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself and his five minor children, Clarence E., Council J., Elmer A., Cleo, and Rufus T. Dawson, as citizens by blood, and for the enrollment of his wife, Florence Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 19, 1901, and at Muskogee, Indian Territory, on October 3, 1902. On October 19, 1901 an affidavit was filed showing the birth of Edgar Dawson, a sixth child of the applicant.

D 475 By Wilborn Dawson, at Vinita, Indian Territory, on September 29, 1900, for the enrollment of himself as a citizen by blood.

D 518 By Charles T. Moore, at Vinita, Indian Territory, on October 4, 1900, for his enrollment as a citizen by intermarriage, and for the enrollment of his wife, Mollie, and his five minor children, Nora, Walter, Clara, Ora and James W. Moore as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 10, 1902, and on March 17, 1902, an affidavit was filed showing the birth of Edna E. a sixth child of the applicant.

- D 526 By James R. Dawson, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself and his three minor children, Vinnie D., Ermine C. and Edwin C. Dawson as citizens by blood, and for the enrollment of his wife, Martha A. Dawson, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Vinita, Indian Territory, on October 5, 1900, and at Muskogee, Indian Territory, on October 3, 1902, and on September 13, 1901, an affidavit was filed showing the birth of Anell F. Dawson, a fourth child of the applicant.
- D 832 By Henry A. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his minor child, Vinnie C. as citizens by blood, and for the enrollment of his wife, Birdie J. as a citizen by intermarriage. Birdie J. Blasingame is differently classified and is not embraced in this decision.
- D 833 By Elbert L. Blasingame, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of himself and his three minor children Ellis W., Earl D. and Alexander Blasingame, Jr., as citizens by blood, and for the enrollment of his wife Ida, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 6, 1902. On October 31, 1902, a birth affidavit was filed for Elmer H., born since the date of this application.
- D 834 By James R. Blasingame, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his two minor children, William A. and George L. Blasingame as citizens by blood, and for the enrollment of his wife, Mary A. Blasingame as a citizen by intermarriage. On February 28, 1901, an affidavit was filed showing the birth of Grace D. Blasingame, a third child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 6, 1902.
- D 435 By Martin L. Patterson, at Vinita, Indian Territory, on September 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Zona, and his five minor children, Sarah A., Martha A., Claud A., Elger D. and Thomas H. Patterson, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, and October 4, 1902, and on October 23, 1901, an affidavit was filed showing the birth of Virgil V., sixth child of the applicant.
- D 604 By William C. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood, and for the enrollment of his wife Alice as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 3, and October 10, 1902.
- D 605 By Robert L. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood.
- D 608 By Elbert B. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of himself as a citizen by blood. On July 8, 1901, an affidavit was filed showing the birth of Ralph E. Dawson, a child of the applicant.

- D 608 By Sarah J. Dawson, at Nowata, Indian Territory, on October 16, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 15, 1902.
- D 617 By Richard W. Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself and his minor child Ina E. as citizens by blood, and for the enrollment of his wife, Luella as a citizen by intermarriage. Luella Dawson is differently classified and is not embraced in this decision. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on April 8, 1902.
- D 626 By Ella L. Spickerman, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of herself and her minor child, Hellen J. Spickerman, as citizens by blood, and for the enrollment of her husband, John J. Spickerman as a citizen by intermarriage. John J. Spickerman is differently classified and is not embraced in this decision. On March 8, 1902, an affidavit was filed for William Glenn Spickerman, a second child of the applicant.
- D 627 By Francis M. Dawson, son of Elbert Dawson, at Nowata, Indian Territory, on October 17, 1900, for the enrollment of himself as a citizen by blood.
- D 23 By John W. Graham, at Fairland, Indian Territory, on July 12, 1901, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Missouri and his minor children Tempa V. and Robert S. Graham, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2, 1902.
- D 35 By Gideon Graham, at Westville, Indian Territory, on July 16, 1900, for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence M. Graham as citizens by blood, and for the enrollment of his wife Elizabeth Graham, as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902.
- D 836 By Mathew A. Painter, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. and his five minor children Ada R., Eva P., John W., Ray D., and Roberta A. Painter, as citizens by blood. On December 7, 1900, an affidavit was filed for Roy V. Painter, a sixth child of the applicant. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 2 and 3, 1902.
- D1124 By Charles T. Bradshaw, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself as a citizen by intermarriage, and for his wife Florence P. and his minor children, Myrtle and Claude Bradshaw as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, and October 20, 1902.
- D1125 By Joe E. Graham, at Muskogee, Indian Territory, on Febru-

ary 23, 1901, for the enrollment of himself and his minor child William C. as citizens by blood.

D1126 By John F. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor child Edna M. as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902. On October 31, 1902, a birth affidavit was filed for Robert Lee Graham, a second child of the applicant.

D1127 By James Neal, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of his wife, Joe Willie Neal, as a citizen by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on July 21, 1902.

D1128 By James M. Graham, at Muskogee, Indian Territory, on February 23, 1901, for the enrollment of himself and his minor children, Marion, Maggie, Luther, Liddie and Margaret Graham as citizens by blood, and for the enrollment of his wife Bessie as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 17, 1902. On October 27, 1902, a birth affidavit was filed for Floyd Graham, born since the date of this application.

D 395 By Green W. Jackson, at Vinita, Indian Territory, on September 22, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Ella Jackson as a citizen by blood.

D 476 By James H. Harmon, at Vinita, Indian Territory, on October 1, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Flora and his minor children, Lillie R., Claud, Dwight, and William D. Harmon, as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902.

D 508 By Toshie A. Jackson, at Vinita, Indian Territory, on October 3, 1900, for his enrollment, among others, as a citizen by blood. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 7, 1900.

D 830 By Lizzie Jackson, at Chelsea, Indian Territory, on November 19, 1900, for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her minor children Osie, Lizzie, Jessie, Ray and Clyde Jackson as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 847 By William C. Lenox, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Fannia and his minor children Birtie E. and Myrtle Lenox as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 3, 1902.

D 839 By James Lowe, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself and his minor children, May, Zelma, Roberta and Rosa Lowe as citizens by blood.

D 405 By Millie T. Dawson, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 13, 1902.

D 406 By Texanna Woolley, at Vinita, Indian Territory, on September 24, 1900, for the enrollment of herself and her minor child Irene W. Woolley as citizens by blood. On March 27, 1902, an affidavit was filed showing the birth of Wilburn E. Woolley, a second child of the applicant.

D 715 By Henry T. Richardson, at Claremore, Indian Territory, on October 26, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Kitty, his minor children Delia F. and Finis T. Richardson and his step-children, Edgar, Walter, Alice, Laura, Oscar, Claude, Edna and Florence Flournoy as citizens by blood. Florence Flournoy is embraced in another application herein as Florence Morgan (D - 737). Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 9, 1902, and on August 20, 1902, a birth affidavit was filed for Jasper C. Richardson, born to Henry T. Richardson and his wife, Kittle, since the date of this application.

R 12 By Etta Brauer, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by blood.

R 13 By Melissa A. Dawson, at Fairland, Indian Territory, on July 12, 1900, for the enrollment of herself as a citizen by intermarriage. Further proceedings in the matter of said application were had at Vinita, Indian Territory on October 4, 1900, and at Muskogee, Indian Territory, on October 14, 1902.

D 521 By Lula Pearl Weddle, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of herself and her minor children Curtis and Morris O. Weddle as citizens by blood, and for the enrollment of her husband, Hiram F. Weddle as a citizen by intermarriage. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on October 14, 1902. October 31, 1902, a birth affidavit was filed showing the birth of Roy Weddle, a third child of the applicant.

D 522 By William D. Douthitt, at Vinita, Indian Territory, on October 4, 1900, for the enrollment of himself as a citizen by blood.

D 343 By Alonzo M. Fishback, at Vinita, Indian Territory, on September 19, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Laverna A. Fishback and his minor children William A. and Annie B. Fishback as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on March 18, and October 3, 1902.

D 737 By Elbert L. Morgan, at Claremore, Indian Territory, on October 29, 1901, for the enrollment of his wife Florence and his minor child Clide as citizens by blood. On April 30, 1902, an affidavit was filed showing the birth of Alice A. Morgan, a second child of the applicant.

D 845 By John E. Fishback, at Chelsea, Indian Territory, on November 20, 1900, for the enrollment of himself as a citizen by blood.

D 879 By George A. Mabry, at Tahlequah, Indian Territory, on December 14, 1900, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Edna, and his minor children Roby and Charley Mabry as citizens by blood. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, January 15, 1901, and March 17, and October 15, 1902.

Proceedings were had in the matter of F. M. Dawson, et al., before Lewis T. Martin, a Notary Public on October 4, 1900, and further proceedings were had therein before the Commission at Muskogee, Indian Territory on March 17, 1902. All of these proceedings have been made a part of the record herein.

The evidence, and an examination of the records of the Cherokee Nation, in the possession of this Commission show that on January 11, 1883, one Robert Dawson and his adult children, F. M. Dawson, Elbert Dawson, Jasper Dawson, Mollie Dawson, Wilborn Dawson, James Dawson, Rial Dawson, Josephine Dawson, Joseph Dawson, Jane Dawson and John Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship, commonly known as the "Teetsee Court", and that on September 9, 1884, one James Dawson, a brother of the Robert Dawson aforesaid, together with his adult children, Ella Dawson, W. A. Dawson, Malvina Dawson and Missouri Dawson were admitted to citizenship in the Cherokee Nation by the Cherokee Commission on Citizenship commonly known as the "Spears Court." In addition to their tribal enrollment as shown by the evidence herein, it also appears from an examination of the Cherokee tribal rolls, in the possession of this Commission, that F. M. Dawson is identified on the Cherokee pay rolls of 1883 and 1894, Elbert Dawson on the Cherokee pay roll of 1886, Mollie Dawson on the pay roll of 1883, Wilborn Dawson on the pay rolls of 1886 and 1894, James Dawson on the pay rolls of 1883 and 1894, Rial Dawson on the pay rolls of 1886 and 1894, Josephine Dawson on the pay roll of 1886, Jane Dawson on the pay roll of 1883, Joseph Dawson and John Dawson on the pay rolls of 1883, 1886 and 1894, Ella Dawson and W.A.

Dawson on the pay roll of 1886, and Missouri Dawson on the pay roll of 1894.

A majority of the above named persons, together with the descendants of the persons admitted as aforesaid and such white persons as may have intermarried with the said Dawsons or their descendants are the applicants herein.

For convenience, the applications are divided into groups:

Group 1, includes the applications of Francis M. Dawson and those claiming through him and embraces cases numbered D 324, D 500, D 531, D 584, D 588 and D 835.

The evidence shows that Francis M. Dawson is the same person admitted to citizenship as hereinbefore stated under the name of F.M. Dawson. Katie Dawson, his wife, was married to him on November 21, 1880. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married, and the six children included in the application of said Francis M. Dawson, and hereinbefore named are the issue of the marriage aforesaid. All the applicants herein are identified on the Cherokee Census roll of 1896.

John Dawson, William R. Dawson, Lizzie Atkins, formerly Dawson, Francis M. Dawson, Jr., and Arizona Allred are the children of said Francis M. Dawson by a former wife, Julia Ann. They were minors at the date of their father's admission to citizenship. John Dawson, Lizzie Atkins and Francis M. Dawson, Jr., are identified on the Strip Payment roll of 1894, and William R. Dawson and Arizona Allred are identified on the Cherokee Census roll of 1896.

Andrew C. Atkins was married under a Cherokee marriage license

and in accordance with the laws of the Cherokee Nation on March 29, 1891, to the above named Lizzie Dawson. He has resided in the Cherokee Nation with his said wife since they were married, and the four children included in his application, and hereinbefore named are the issue of that marriage. The oldest child, Arthur, is identified on the Cherokee pay roll of 1894, and the three younger children are identified by birth affidavits on file with this Commission.

Arizona Allred, nee Dawson, came from Arkansas to the Cherokee Nation for the first time in 1894, remained there about two years and then returned to Arkansas, where she was married to Lea Allred. Such marriage was not in accordance with the laws of the Cherokee Nation. Arizona Allred and her husband came to the Cherokee Nation in 1896, stayed there a month and returned to Arkansas where they remained until September, 1898, at which time they came to the Cherokee Nation, remained there about a year and returned to Arkansas in 1899, where they were living at the date of this application. William C. Allred is the child of said Arizona Allred and possesses no rights not acquired by his mother. He is identified on the Cherokee Census roll of 1896.

Paragraph 9, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The evidence further shows that Francis M. Dawson, his wife, Katie and William R. Dawson, Francis M. Dawson, Jr., and Lizzie Atkins have resided in the Cherokee Nation since 1883, and Andrew C. Atkins, the husband of said Lizzie Atkins, since 1891, and that John Dawson has resided in the Cherokee Nation for at least fourteen years prior to the date of his application. The residence of the minor children of the above named persons is considered to be that of their parents, with whom they are living.

Group II, includes the applications of Samuel R. Dawson, together with those claiming through him and embraces cases numbered D 350, D 352, D 356, D 365, D 482 and D 402.

The evidence shows that Samuel R. Dawson is identified as the Rial Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. His wife, Catherine, a white woman, was married to him on July 11, 1866. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since their marriage, and August and Kate Dawson are the issue of the aforesaid marriage. Samuel R. Dawson, his wife and children are identified on the Cherokee Census roll of 1896.

Robert Dawson, Albert H. Dawson, Josephine Bulawsky, formerly Josephine Dawson, John W. Dawson, and Katie Newman, formerly Katie Dawson are the children of said Samuel R. Dawson. They were minors at the date of their father's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Sarah F. Dawson, nee Abbott, was married to the said Albert H. Dawson in October, 1894. She has lived with her said husband, since they were married. Ralph H., Alford and Cecil Dawson are the issue of that marriage. Sarah F. Dawson and her child Ralph H. are identified on the Cherokee Census roll of 1896. Alford is identified by a birth affidavit on file with this Commission. The evidence further shows that the youngest child, Cecil Dawson, is dead.

August Bulawsky, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 25, 1893, to the said Josephine Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. The

four older children are identified on the Cherokee Census roll of 1896, and the Strip Payment roll of 1894. May Bulawsky is identified on the Cherokee Census roll of 1896, and Oscar Bulawsky is identified by a birth affidavit on file with this Commission.

Hannie Dawson, nee Baugher, was married to the said John W. Dawson on September 2, 1894, and she has lived with her said husband since they were married.

The evidence further shows that Samuel R. Dawson, his wife, Catherine, and Robert Dawson, Albert H. Dawson, John W. Dawson, and Katie Newman have resided in the Cherokee Nation since 1886, August Bulawsky and his wife Josephine, since 1892, and Sarah F. and Hannie Dawson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group III, includes the application of John Dawson, and those claiming through him and embraces cases numbered D 578, D 360 and D 530. The evidence shows that John Dawson is the same person admitted to citizenship in the Cherokee Nation as hereinbefore stated. Sarah J. Dawson, nee Wood, his wife, a white woman, was married to him on October 4, 1871. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. She has lived with her said husband since they were married and the nine children included in the application of said John Dawson, and hereinbefore named, are the issue of said marriage. John Dawson, his wife, and his seven older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Thomas P. Dawson and Orle H. Dawson are the children of said John Dawson. They were minors at the date of their father's admission to citizenship, and they are both identified on the Cherokee

Census roll of 1896.

Thomas P. Dawson was married on April 24, 1898, to Allen A. Allison, and Marlee J. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Orle H. Dawson was married on December 28, 1899, to Adelle York, and Burr R. and James W. Dawson are the issue of that marriage. The said children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John Dawson and his wife, Sarah J., have resided together in the Cherokee Nation since 1883; that said Orle H. Dawson has resided in the Cherokee Nation since 1883, and that Thomas P. Dawson has resided in the Cherokee Nation since 1888. The residence of the minor children herein is considered to be that of their parents, with whom they are living.

Group IV, includes the applications of those claiming through the said Josephine Dawson, now deceased. At the time of her admission she was the wife of one Thomas Pierce, but was admitted to citizenship under maiden name of Dawson. The group embraces cases numbered D 408, D 409, D 431, D 471, D 472 and D 479.

The evidence shows that Robert Pierce, William Pierce, Charles E. Pierce, Oma Gray, formerly Oma Pierce, Effie Pierce (not Effie Akin) and Nancy J. Bogle, formerly Nancy J. Pierce are the children of said Josephine Dawson. They were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

Nellie Pierce, a white woman, was married to said Robert Pierce on July 15, 1894. She has lived with her said husband since they were married, and Lyrtle and Arthur Pierce are the issue of that marriage. Nellie Pierce is identified on the Cherokee Census roll of 1896, and her two children are identified by birth affidavits on file with this Commission.

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Oma Gray was married to John B. Gray on April 7, 1898, and Cecil and Walton Gray are the issue of that marriage. Oma Gray is identified on the strip payment roll of 1894 and her children are identified by birth affidavits on file with this Commission.

John S. Bogle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 5, 1894, to the above named Nancy J. Pierce. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. John S. Bogle and his two older children are identified on the Cherokee Census roll of 1896, and his four younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said William Pierce died in January, 1902.

It further appears that Robert Pierce, Charles E. Pierce, Nancy J. Bogle and Oma Gray have resided in the Cherokee Nation since 1884; that John S. Bogle, husband of Nancy J. Bogle, and Nellie Pierce, wife of Robert Pierce, have resided in said Nation ever since they were married, and the residence of the minor children herein is considered to be that of their parents with whom they are living. It appears that Eddie Akin was seventeen years old at the date of the application for her enrollment, and it further appears that she resided in the Cherokee Nation from about 1886 up to December, 1900, when she went to Colorado, was married there to Will Akin, and is now living in that state with her said husband.

Group V, includes the application of the said Joseph Dawson, Wilborn Dawson and James Dawson, and embraces cases numbered D 364, D 475 and D 526.

Joseph R. Dawson is identified as the Joseph Dawson admitted to citizenship in the Cherokee Nation as hereinbefore stated. He was married to Florence Jackson on May 16, 1886, and they have lived to-

gether since the date of their marriage. The said Florence Jackson is the daughter of Ella Dawson, but she was of age at the date of her mother's admission to citizenship. The six children included in the application of said Joseph R. Dawson, and hereinbefore named, are the issue of the marriage between the said Joseph R. Dawson and Florence Jackson. The applicant, his said wife and his four older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Wilborn Dawson is identified as the person of that name admitted to citizenship in the Cherokee Nation as hereinbefore stated. He is identified on the Cherokee Census roll of 1896.

James R. Dawson is identified as the James Dawson admitted to citizenship in the Cherokee Nation as heretofore stated. His wife, Martha A. Dawson was married to him on February 20, 1890. She has lived with her said husband since the date of their marriage, and the four children included in the application of said James R. Dawson, and hereinbefore named, are the issue of said marriage. The applicant, his said wife and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

The evidence further shows that Joseph R. Dawson has resided in the Cherokee Nation since 1883; that Florence Dawson and Wilborn Dawson have resided in said Nation since 1886, and that James R. Dawson has resided in said Nation since 1883, excepting a temporary absence from 1889 to 1891. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VI, includes the application of Mollie Dawson and those claiming through her and embraces case numbered D 518.

The evidence shows that Mollie Moore, formerly Dawson, is identified as the Mollie Dawson admitted to citizenship in the Cherokee

Nation as hereinbefore stated. Her husband, Charles T. Moore, was married to her under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on January 17, 1887. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of said marriage. Charles T. Moore, his wife Mollie, and his four older children are identified on the Cherokee Census roll of 1896; the two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that said Charles T. Moore, his wife Mollie and his oldest child have resided in the Cherokee Nation since 1883; the younger children have resided in said nation all their lives.

Group VII, includes the applications of those claiming through the above named Jane Dawson, who, at the time of her admission to citizenship in the Cherokee Nation, as hereinbefore stated, was the wife of one Alexander Blasingame, but she was admitted under her maiden name of Dawson. Jane Dawson is a resident of Arkansas, and is not an applicant for enrollment. This group embraces cases numbered D 832, D 833 and D 834.

The evidence shows that Henry A. Blasingame, Elbert L. Blasingame, and James R. Blasingame are the children of said Jane Dawson. They were minors at the time of their mother's admission to citizenship and they are all identified on the Cherokee Census roll of 1896.

Henry A. Blasingame was married to his wife Birdie J., on December 6, 1896, and Vinnie C. Blasingame is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Ida Blasingame, a white woman, was married to the said Elbert L. Blasingame on September 5, 1894. She has lived with her said husband ever since they were married and the four minor children included in the application of said Elbert L. Blasingame are the

issue of that marriage. The said Ida Blasingame and her two older children are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

Mary A. Blasingame was married to the said James R. Blasingame on August 11, 1895. She has lived with her said husband since they were married and the three minor children included in the application of said James R. Blasingame, and hereinbefore named, are the issue of that marriage. Mary A. Blasingame and her oldest child are identified on the Cherokee Census roll of 1896. The two younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said Henry A. Blasingame, Elbert L. Blasingame and James R. Blasingame removed to the Cherokee Nation in 1897 and have resided therein with their said wives ever since. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group VIII, includes the applications of those claimant; through the said Elbert Dawson, and embraces cases numbered D 435, D 604, D 608, D 605, D 609, D 617, D 626 and D 627.

The evidence shows that Zona Patterson, formerly Dawson, William C. Dawson, Robert L. Dawson, Elbert B. Dawson, Richard W. Dawson, Ella L. Spickerman, formerly Dawson, and Francis M. Dawson are the children of the said Elbert Dawson. All of them, excepting the said Francis M. Dawson, were minors at the time of their father's admission to citizenship. Zona Patterson is identified on the Cherokee Census roll of 1896, and William C. Dawson, Robert L. Dawson, Elbert B. Dawson and Richard W. Dawson are identified on the Strip payment roll of 1894. An examination of the Cherokee tribal rolls, in the possession of this Commission, shows that the said Ella L. Spickerman is also identified on the Strip payment roll of 1894.

Martin L. Patterson was married under a Cherokee Marriage license, and in accordance with the laws of the Cherokee Nation on July 13, 1890, to the said Zora Dawson. He has lived with his said wife since they were married and the six children included in his application, and hereinbefore named, are the issue of that marriage. Martin L. Patterson and his three older children are identified on the Cherokee Census roll of 1896, and his three younger children are identified by birth affidavits on file with this Commission.

Alice Dawson, nee Alexander, was married to the said William C. Dawson on November 18, 1886. She has lived with her said husband ever since they were married.

Elbert B. Dawson was married on February 16, 1898, to Cora Bright, a non-citizen, and his child Ralph E. Dawson is the issue of that marriage. The said child is identified by a birth affidavit on file with this Commission.

Sarah J. Dawson, nee Jones, was married to the above named Elbert Dawson about 1854, and lived with him as his wife until his death in February, 1899, and has not re-married since his death. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship.

Richard W. Dawson was married to Luella Mason, a white woman, on January 24, 1898. His child Ina E. Dawson is the issue of that marriage, and she is identified by a birth affidavit on file with this Commission.

Ella L. Spickerman was married to John J. Spickerman, a white man on September 7, 1897. Her children Hellen J. and William Glenn are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

It further appears from the evidence that Francis M. Dawson, son of Elbert Dawson, at the time of his father's admission to citizen-

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

"all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert B. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1836, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1888, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1866, and has lived with her since that time. Tempa V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

ship in the Cherokee Nation was twenty-two or twenty-three years old. There is no evidence that the said Francis M. Dawson has been admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321). Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of,

"all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

The evidence further shows that Zona Patterson, William C. Dawson and Richard W. Dawson have resided in the Cherokee Nation since 1884; Robert L. Dawson, Elbert E. Dawson, Sarah J. Dawson, and Ella L. Spickerman since 1883; Alice Dawson since 1886, and Martin L. Patterson since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group IX, includes the applications of the said Missouri Dawson, and those claiming through her. The said Missouri Dawson at the time of her admission to citizenship was the wife of one John W. Graham, but she was admitted under her maiden name of Dawson. This group embraces cases numbered, D 23, D 35, D 836, D 1124, D 1125, D 1126, D 1127 and D 1128.

The evidence shows that John W. Graham was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on February 12, 1886, to the said Missouri Dawson. He had been formerly married to her in the State of Texas in 1886, and has lived with her since that time. Tampa V. and Robert S. Graham are the issue of the aforesaid marriage. John W. Graham, his wife and two children are identified on the Cherokee Census roll of 1896.

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Joe E. Graham was married to Mary Bradshaw, a non-citizen on January 6, 1898. William G. Graham is the issue of that marriage, and he is identified by a birth affidavit on file with this Commission.

John F. Graham was married on February 11, 1900, to Mattie Lawson, a non-citizen, and Edna M. and Robert Lee are the issue of that marriage. Said children are identified by birth affidavits on file with this Commission.

Bessie Graham was married on November 2, 1892, to the said James M. Graham. She has lived with him since the date of their marriage, and the six children included in the application of said James M. Graham, and hereinbefore named, are the issue of the said marriage. The oldest child Marion is identified on the Strip payment roll of 1894, and the five younger children are identified by birth affidavits on file with this Commission.

The evidence further shows that the said John W. Graham, his wife Missouri Graham, Gideon Graham, Mathew A. Painter, and his wife Laverna A. Painter, Florence P. Bradshaw, John F. Graham and Joe Willie Neal have resided in the Cherokee Nation since 1888, and that Joe E. Graham and James M. Graham have resided in the Cherokee Nation since 1884. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group X, includes the application of the said Ella Dawson and those claiming through her. The said Ella Dawson, at the time of her admission to citizenship, was the wife of Green W. Jackson, but she was admitted to citizenship under her maiden name of Dawson. This group embraces cases numbered D 395, D 476, D 508, D 830 and D 847.

The evidence shows that Green W. Jackson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on March 24, 1887 to the said Ella Dawson. He had been previously married to her in Texas prior to her admission to

citizenship. From an affidavit made a part of this record it appears that Groon W. Jackson died subsequent to the date of this application, and prior to September 1, 1902.

The evidence further shows that Flora Harmon, formerly Jackson, Tashie A. Jackson, William Jackson and Fannie Lenox, formerly Jackson are the children of said Ella Dawson, now Ella Jackson. Flora Harmon, Tashie A. Jackson and Fannie Lenox were minors at the date of their mother's admission to citizenship, and they are all identified on the Cherokee Census roll of 1896.

James H. Harmon was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on April 24, 1887, to the said Flora Jackson. He has lived with his wife since the date of their marriage, and the four minor children included in his application, and hereinbefore named, are the issue of the said marriage. James H. Harmon and his three older children are identified on the Cherokee Census roll of 1896. The youngest child is identified by a birth affidavit on file with this Commission.

William C. Lenox was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on April 1, 1888, to the said Fannie Jackson. He has lived with his wife since the date of their marriage, and the two children Birtie E. and Myrtle Lenox, included in his application, are the issue of the said marriage. William C. Lenox and his two children are identified on the Cherokee Census roll of 1896.

Lizzie Jackson claims to have been married in 1888 to the said William Jackson, who is now deceased. It appears that William Jackson at the date of his mother's admission to citizenship, was over twenty-one years old. There is no evidence that the said William Jackson was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission

to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). Lizzie Jackson and the five minor children included in her application, and hereinbefore named, are identified on the Cherokee Census roll of 1896, and they take only such rights as may have been possessed by the said William Jackson. The authority of the Commission herein is defined in Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), heretofore quoted.

The evidence further shows that the said Ella Jackson, the said Flora Harmon and the said Teshie A. Jackson have resided in the Cherokee Nation since 1884, and that William C. Lenox, and his wife Fannie Lenox have resided in the Cherokee Nation since 1886. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XI, includes the applications of those claiming through Malvina Dawson and embraces case numbered D 359.

The evidence shows that James Lowe is the son of the said Malvina Dawson, and that at the time of her admission to citizenship the said James Lowe was over 21 years old. There is no evidence that the said James Lowe was ever admitted to citizenship in the Cherokee Nation, by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321). It further appears that the said James Lowe was married on June 12, 1887, to Mollie Knight, a white woman, and the four minor children included in his application and hereinbefore named, are the issue of that marriage. James Lowe and his said children are identified on the Cherokee Census roll of 1896 and said children take only the rights which may have been acquired by their father.

The authority of the Commission herein is derived, in Section 21 of the Act of Congress approved June 22, 1898 (30 Stats., 495), heretofore quoted.

Group XII, includes the applications of those claiming through the said W. A. Dawson and embraces cases numbered D 405, D 406, D 715, R 12 and R 13.

The evidence shows that Millie T. Dawson was married to the said W. A. Dawson in 1892 and lived with him as his wife in the Cherokee Nation until his death in 1899, and that she has not re-married since his death. Texanna Woolley is the daughter of said W. A. Dawson and his former wife Melissa A. Dawson. Texanna Woolley was a minor at the date of her father's admission to citizenship, and she is identified on the Strip payment roll of 1894. She was married on March 27, 1898, to James Woolley, and her children Irene W. and Wilburn E. are the issue of that marriage. They are identified by birth affidavits on file with this Commission.

Henry T. Richardson was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on July 11, 1886, to one Sellar Dawson, who was the daughter of the said W. A. Dawson by his first wife Melissa A. Sellar Dawson was a minor at the date of her father's admission to citizenship. Henry T. Richardson lived in the Cherokee Nation with his said wife Sellar from the date of their marriage until her death in 1892. On September 22, 1898, Henry T. Richardson married one Kitty Flournoy nee Dawson. The said Kitty Flournoy was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Of the children herein applied for, Delia F. Richardson is the child of the applicant by his first wife, Sellar. Finis T. Richardson and Jasper C. Richardson are children by his wife Kitty. Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy are the children of his said wife Kitty by a former husband.

The six older children were admitted to citizenship in the Cherokee Nation on December 1, 1894, with their mother as the members of her family. The youngest child Edna Flourney was born in 1896 and was living at the date of this application. Delia F. Richardson is identified on the Cherokee Census roll of 1896, and Finis T. and Jasper C. Richardson are identified by birth affidavits on file with this Commission.

Etta Brauer is the daughter of said W. A. Dawson, and was a minor at the date of her father's admission. She was married in 1892 to a non-citizen but such marriage was not in accordance with Cherokee laws. She is identified on the Cherokee Census roll of 1896.

Melissa A. Dawson was married to the said W. A. Dawson in the State of Texas on September 28, 1873. The Supreme Court of the Cherokee Nation in the case of Melissa A. Dawson vs. W. A. Dawson, decided that Melissa A. Dawson, the applicant herein was a citizen of the Cherokee Nation by virtue of intermarriage with her said husband, W. A. Dawson. She is identified on the Cherokee Census roll of 1896, and she has not re-married since her divorce from said W. A. Dawson.

The evidence shows that Texanna Woolley has resided in the Cherokee Nation since 1884; that Etta Brauer and Melissa A. Dawson have resided in the Cherokee Nation, with the exception of temporary absences, since 1884; that Millie T. Dawson has resided in the Cherokee Nation since 1892; that Henry T. Richardson has resided in the Cherokee Nation since 1886, and that Kitty Richardson, his wife, has resided in the Cherokee Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

Group XIII, includes the following applications: Hiram F. Waddle, et al D 521; William D. Douthitt, D 522; Alonzo K. Fishback, D 543; Florence Morgan, et al D 737; John E. Fishback, D 845 and George A. Mabry, et al D 979. The persons embraced in these appli-

cations are related to the above named Darsons. They are not claiming the right to enrollment by virtue of such relationship, but rely upon a separate adjudication of their rights.

The evidence shows that Hiram F. Weddle was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation on September 13, 1884, to Lula P. Douthitt, who was admitted to citizenship in the Cherokee Nation by the said "Spears Court" on September 13, 1884. Curtis, Morris O. and Roy Weddle are the issue of the said marriage. Hiram F. Weddle and his said wife are identified on the Cherokee Census roll of 1896, and their three children are identified by birth affidavits on file with this Commission.

William B. Douthitt is the brother of said Lula P. Weddle, and was admitted to citizenship in the Cherokee Nation with his said sister on September 13, 1884. He is identified on the Cherokee Census roll of 1896.

Alonzo M. Fishback was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on May 17, 1881, to Laverna A. Dason. He had been previously married to the said wife in Texas in 1877, and has lived with her ever since. It appears that Laverna Fishback was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1884. William A. and Annie B. Fishback are the issue of the said marriage. Alonzo M. Fishback and his said wife and children are all identified on the Cherokee Census roll of 1896, and his wife is also identified on the Cherokee pay roll of 1890.

Florence Morgan, the wife of Elbert L. Morgan, is the daughter of the Kitty Richardson heretofore mentioned and was admitted to citizenship in the Cherokee Nation on December 1, 1884 with the said Kitty Richardson as a member of her family. Clyde and Alice A. Morgan are her children by her said husband. The said children are

identified by birth affidavits on file with this Commission.

John E. Fishback is the son of Laverna Fishback, who was re-admitted to citizenship on December 1, 1894, as heretofore stated. He was a minor at the date of his mother's admission to citizenship and he is identified on the Cherokee Census roll of 1896.

George A. Mabry was married to one Edna Dawson in the State of Arkansas in 1884. He claims to have been married under a Cherokee marriage license to his said wife in 1889, but he presents no satisfactory proof of such marriage. Edna Dawson was re-admitted to citizenship in the Cherokee Nation by an Act of the Cherokee National Council on December 1, 1894. Roby and Charley Mabry are her children by her said husband, George A. Mabry. Edna Mabry is identified on the strip payment roll of 1894, and the two children were minors at the date of their mother's admission to citizenship.

The evidence further shows that Alonzo H. Fishback and his wife Laverna A. Fishback have resided in the Cherokee Nation since 1883; that Lula P. Weddle, William D. Douthitt, and John E. Fishback have resided in the Cherokee Nation since 1884, and that Florence Morgan and Edna Mabry have resided in said Nation since 1894. The residence of the minor children included in this group is considered to be that of their parents, with whom they are living.

All birth affidavits for the minor children embraced in this decision, and hereinbefore noted, are made a part of this record.

It is contended by the Cherokee Nation that the applicants herein are not entitled to be enrolled by this Commission because they have never been lawfully admitted or enrolled by the Cherokee authorities, and that the judgment of the Cherokee Commission on Citizenship admitting Robert Dawson and his family was obtained by fraud on the part of said Dawson.

In considering the question at issue, it is the opinion of this Commission that it has no power, and that it is not the purpose of this proceeding, to review or to set aside the judgment in the Dawson case, or to determine such questions as were necessarily involved in the issues before the Cherokee Commission, and were passed upon by that Commission. In *United States vs. Throckmorton*, 98 U.S. Page 61, it is stated, "the doctrine is well settled that the Court will not set aside a judgment because it was founded on perjured testimony or for any matter which was actually presented and considered in the judgment assailed." Only such facts therefore, are considered by this Commission, as were not part of the record in the Robert Dawson case before the Teehee Commission, and which tend to show whether the judgment admitting the Dawsons was a bona fide judgment of the Teehee Commission, or whether such judgment is void because of fraud, and upon this proposition the burden of proof is upon those attacking the judgment.

Briefly stated, the circumstances attending the admission of the Dawsons appear to be as follows:

On September 24, 1881, an application was made to the Cherokee Commission on Citizenship known as the "Teehee Court" for admission to Cherokee citizenship of Robert Dawson and the members of his family above mentioned. The members of that Commission were Thomas Teehee, Alex Wolfe and T. F. Thompson. The first two were full blood Cherokee Indians; they could understand, but could not talk English. One D. W. C. Duncan was the Clerk of the Commission. The Dawson case was continued several times before final decision. J. M. Bryan appears to have been an attorney in the case, and after some delay he notified Francis M. Dawson that the case would be taken up by the Commission at its session in January, 1883, and also informed him that C.H. Taylor would look after Dawson's interests as he, Bryan,

would be in Washington. On receipt of this notice Francis M. Dawson went to Fort Gibson, Cherokee Nation, and made arrangements with his uncle Samuel H. Benge to go to Tahlequah and conduct the case. Benge who is a witness herein testifies that he was connected with the Dawson case when it was commenced in 1881; that it was continued several times for want of evidence, and that in January, 1883, in company with F. M. Dawson he went to Tahlequah and while there secured the testimony of Tosh Rogers, a negro, who knew the Dawson's ancestors, and that after getting his evidence the case was submitted to the Commission. He further testifies that the Commission rendered a decision against the Dawsons and that next morning the Commission reopened the case, but not upon motion of the witness, and rendered a judgment admitting the Dawsons to citizenship. He further states that on his way home to Fort Gibson with Dawson he remarked to the latter, "it was a pretty hard blow when they rendered a decision against us," to which Dawson is alleged to have replied, "yes, but Duncan was the man to reach and he reached him with five hundred dollars."

Dawson denies ever having had such a conversation and says that he did not return to Fort Gibson with Benge but went home to Arkansas by a different route.

C. H. Taylor testifies that he was an attorney in the case and was present when the case was decided. He says there were only two Commissioners present, Teehee and Wolfe. He further testifies that D. W. C. Duncan, the Clerk of the Court asked the witness to let him know when any large citizenship cases came up; that he introduced F. M. Dawson to Duncan on the evening of January 10th, heard part of a conversation between them in which Duncan addressing Dawson said, "there is a hitch in your evidence, if that was straightened out it will be all right." Next morning witness says Dawson told him to call up the case, which he did. That there was no additional

evidence introduced and no argument made, and that the case was then decided in favor of the Dawsons. Witness further testifies that Dawson gave him twenty dollars and said he would send him the balance in a short time, that in the course of ten days he sent him one hundred dollars with directions to pay over half of it to Duncan; that Dawson soon afterwards sent him another hundred dollars with the same instruction to give Duncan half of it.

Dawson denied the matters testified to by Taylor excepting in the matter of paying Taylor money, which he admits in part, but says that the twenty dollars mentioned was sent to Taylor about a year after the decision, and that he instructed Taylor to pay it over to Duncan to pay him for a land claim, and that the other money was in payment of J. M. Bryan's attorney fees which Taylor represented to Dawson he had for collection against him. Taylor's reputation for truth and veracity has been impeached by various disinterested witnesses.

The evidence which may be considered as tending to support the charge of fraud is the testimony of S. H. Denge, C. H. Taylor, Thomas M. Babear, J. L. Clinkenbeard, James W. Lewis, C. G. Draught and David Meredith.

S. H. Denge testifies that a judgment adverse to the Dawsons was rendered by the Commission on the evening of one day and without any additional proceedings in the case that judgment was reversed on the morning of the next day.

Even if this were a material fact, there is no other proof that two judgments in the case were ever rendered. The record of the proceedings and judgment in the Commission's docket is all on one page, the entry of the application in 1831 and the first continuance being entered under authority of a former Commission and by a different clerk, and there is no evidence of erasure on that page. It is not an unusual thing for a Court to change its judgment, and this fact, if it is a fact, is not in itself any evidence of fraud.

Thomas B. Dabeart testifies that one James Dawson, a man of forty or fifty years of age, in company with Butler, the Commission's interpreter and Jim Smith, solicitor for the Nation, came to the witness in Tahlequah the evening of January 10, 1885, to borrow some money; that Dawson was vouched for by Butler as a responsible party and that Dawson told the witness that he had to have money that night, that his case was to be submitted the next day if he could get some money, that Smith had agreed to submit the case without evidence, and that witness thereupon let Dawson have ten dollars.

Admitting all this to be true and that the influence of these officials was purchased for the sum of ten dollars, the Commission fails to see how these alleged facts show that the Court was imposed upon or misled. Bribery of officials to use their influence with the Commission would not necessarily vitiate the judgment, but it must appear that the fraud, or corruption reached the members of the Commission and tainted the judgment itself. The case was not submitted without evidence as appears from the record, and it is shown that such evidence was carefully considered by that Commission. Furthermore, the evidence shows that there was no such person then in Tahlequah as the James Dawson described by witness.

Clinkenbeard testifies that he had a talk with Elbert Dawson about 1881; that Dawson told him he had only one witness, Dr. Baker of Arkansas, "an old man 85 or 90 years old who did not know straight up" and that he could give Dr. Baker four drinks of Arkansas whiskey and he would swear black was white. Witness further testifies that Dawson told him that money was what made the mare go in Texas, and that he had found out that it goes here too.

Assuming that this Commission can go into the question of perjury in connection with evidence in that case, the testimony of Clinkenbeard establishes, if anything, only the facts stated, and does not prove that Dr. Baker committed perjury in giving his testi-

mony before the Commission. Further, it is not clear that Dr. Baker was the only witness in the case. Benge stated that Tosh Rogers was a witness, Duncan is under that impression also, and T. F. Thompson, one of the Commissioners, states that he thinks there were three witnesses. The testimony of Dr. Baker, seems, however, to be the only testimony preserved on record. As to whether Doctor Baker offered perjured testimony by Dawson's procurement, it is proper to state that the evidence of W. H. Curtis and A. S. McEwen, witnesses for applicants, show that Doctor Baker was a man of integrity and was not addicted to drinking.

The testimony of James W. Lewis is to the effect that he had a conversation with F. M. Dawson about 1883, in which Dawson had told the witness that it had cost him seven hundred dollars to get his rights. Braught also testifies that he was an applicant for citizenship about 1881 or 1882, and that while his case was pending he had a talk with F. M. Dawson who told him that if he (the witness) ever got in, it would cost him seven hundred dollars, and that Dawson told him he had paid one witness three hundred dollars, and made arrangements with the Court to get the Dawsons in at one hundred dollars a family. David Meredith testifies that he had a talk with old James Dawson in 1886, and that the latter told the witness it cost him twelve hundred dollars to get his case through.

It can hardly be urged that such evidence is sufficient to show that the members of the Teehee Commission were corrupted by the fraudulent use of money. So far as these witnesses have been able to testify the money spent by the Dawsons might have been for proper and legitimate purposes. F. M. Dawson gives a detailed statement of what the case cost him and his brother in a legitimate way. The presumption can not be indulged that such moneys were used for fraudulent purposes and the proof to the contrary must be very clear

before this Commission will deny applicants the right to be enrolled upon that ground.

Admitting the truth of all the testimony in this case as to the actual transfer of money by the Dawsons, it appears that Duncan, Butler and Smith were the only beneficiaries of that money. There is no evidence that the members of the Commission received or were offered any of it.

The judgment entered in the Commission's docket shows the signature of the three members of the Commission appended thereto. There is some conflict as to whether Duncan signed Thompson's name, or whether Thompson affixed his own signature. Duncan testified that all three signatures were made by him as Clerk under authority of the Commissioners present, the two full bloods being unable to sign their names. T. F. Thompson testifies that he signed the original transcript of the judgment, which was made on the day of its rendition. The question, however, is not considered to be very material. The signing of judgments by each Commissioner appears to have been a matter of custom only. T. F. Thompson testifies that he remembers the Dawson case and recognizes the judgment therein as the final judgment of the Commission, and that there was no fraud or corruption in the procurement of that judgment by the Dawsons or by any one else so far as he knew.

Such evidence has been introduced by the Cherokee Nation for the purpose of showing that the ancestor, through whom the Dawsons claim, was not a Cherokee, and that other members of the Dawson family, claiming from the same source, have been denied Cherokee citizenship by subsequent Cherokee tribunals, and also by this Commission and by the United States Court. Such evidence, in the opinion of this Commission, is not competent for any purpose in this proceeding. The only question before this Commission is whether there was

fraud in the procurement of the Robert Dawson judgment, and not whether the applicants are Cherokee Indians, or whether they ought to have been admitted to citizenship upon the proof submitted. These were questions presented, considered and passed upon by the Teehee Commission. If their decision is a valid and regular judgment, it is binding on this Commission. If, on the contrary, the applicants have never been lawfully admitted to citizenship, because the judgment under which they claim is void, for fraud, then the question as to whether they are Cherokees by blood is not material, as this Commission has now no authority to admit them to citizenship.

While it is true, that since 1863, a number of applicants, members of the Dawson family, have been denied admission to citizenship in the Cherokee Nation, no argument derived therefrom is of any force, for it is also true that other members of the same family have been admitted to citizenship, and the action of the Cherokee authorities in admitting them has never been questioned by the Cherokee Nation. Whatever inference, therefore, may be drawn from these facts, applies with equal force both for and against the validity of the judgment in question.

The Dawsons have lived in the Cherokee Nation, most of them since 1863; they have exercised the rights of Cherokee citizenship for many years, some of them occupying official positions in the Nation, and no protest seems to have been made against their citizenship until within the last few years. The records of the Cherokee Nation, in the possession of this Commission, show, that since 1863, there have been Commissions on citizenship charged with authority to investigate the judgments of former tribunals alleged to have been secured by fraud, and the Cherokee Legislature had power to order an investigation, and to create a tribunal with authority to set aside a judgment so obtained. No such action appears to have been taken

by the Cherokee authorities with reference to the judgment of the Teehee Commission in the Robert Dawson case.

After a careful consideration of all the facts in this case this Commission is of the opinion that the evidence fails to establish that the Dawsons secured their admission to citizenship by fraud or that the judgment of the Teehee Commission as rendered January 11, 1883, was fraudulent as the result of corruption, bribery, or deception upon the part of the Dawsons, or their agents, and that such judgment, and also the judgment of the Spears Commission in 1884, and the Act of the Cherokee National Council of December 1, 1884, which have not been attacked by the Cherokee Nation, being regular on their face, must therefore be accepted by this Commission as the valid judgments of the duly constituted Cherokee authorities.

It is, therefore, the opinion of this Commission that,

(Group I.) Francis H. Dawson, son of Robert Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis H. Dawson, Jr., son of Francis H. Dawson and grand-son of Robert Dawson,

(Group II.) Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert F. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman,

(Group III) John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles B. Dawson, Mattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas F. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson,

(Group IV) Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin (formerly

- Effie Pierce), Nancy J. Bogle, James E. Bogle, Edna W. Bogle,
John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle,
(Group V) Joseph R. Dawson, Clarence E. Dawson, Council J. Dawson,
Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson,
Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C.
Dawson, Edwin C. Dawson, Ancil F. Dawson,
(Group VI) Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora
Moore, James W. Moore, Edna E. Moore,
(Group VII) Henry A. Blasingame, Vinnie C. Blasingame, Elbert L.
Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander
Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame,
William A. Blasingame, George L. Blasingame, Grace D. Blasingame,
(Group VIII) Zona Patterson, Sarah A. Patterson, Martha A. Patterson,
Clara A. Patterson, Edgar D. Patterson, Thomas M. Patterson,
Virgil V. Patterson, William C. Dawson, Robert L. Dawson,
Elbert E. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E.
Dawson, Ella L. Spickerman, Hellen J. Spickerman, William
Glenn Spickerman,
(Group IX) Missouri Graham, Tempa V. Graham, Robert S. Graham,
Gideon Graham, John W. Graham, Julius E. Graham, Francis W.
Graham, Mary E. Graham, Jesse E. Graham, Gracie M. Graham,
Florence M. Graham, Laverna A. Painter, Ada R. Painter, Eva P.
Painter, John W. Painter, Ray D. Painter, Roberta A. Painter,
Roy V. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude
Bradshaw, Joe E. Graham, William C. Graham, John E. Graham,
Edna M. Graham, Robert Lee Graham, Joe Willie Deal, James M.
Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd
Graham,
(Group X) Ella Jackson, Flora Harmon, Lillie R. Harmon, Claud Harmon

Twight Harmon, William D. Harmon, Fossie A. Jackson, Fannie
Lenox, Bertie E. Lenox, Myrtle Lenox,

(Group VII) Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley,
Fitty Richardson, Edgar Flournoy, Walter Flournoy, Alice Flour-
noy, Laura Flournoy, Oscar Flournoy, Claude Flournoy, Edna
Flournoy, Finis T. Richardson, Jasper C. Richardson, Della T.
Richardson, Etta Brauer,

(Group XIII) Lula Pearl Weddle, Curtis Weddle, Morris D. Weddle,
Roy Weddle, William D. Douthitt, Laverne A. Fishback, William A.
Fishback, Annie E. Fishback, Florence Morgan, Slide Morgan,
Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry, and
Charley Mabry,

should be enrolled as citizens by blood of the Cherokee Nation in
accordance with the provisions of Section twenty-one of the Act of
Congress approved June 2, 1906 (34 Stats., 498), and that

(Group I) Katie Dawson, Andrew C. Atkins,

(Group II) Catherine Dawson, Sarah T. Dawson, August Dulavsky,
Fannie Dawson,

(Group III) Sarah J. Dawson, nee Wood,

(Group IV) Nellie Pierce, John S. Bogle,

(Group V) Florence Dawson, Martha A. Dawson,

(Group VI) Charles T. Moore,

(Group VII) Ida Blasingame, Mary A. Blasingame,

(Group VIII) Martin L. Patterson, Alice Dawson, Sarah J. Dawson,
nee Jones,

(Group IX) John W. Graham, Elizabeth Graham, Mathew A. Painter,
Charles T. Bradshaw, Bessie Graham,

(Group X) James H. Harmon, William C. Lenox,

(Group XII) Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson

(Group XIII) Hiram F. Weddle and Alonzo M. Fishback, should be

enrolled as citizens by intermarriage of the Cherokee Nation in accordance with the provisions of said Section twenty-one of the Act of Congress, and it is so ordered.

It is further the opinion of this Commission that, for the reasons heretofore stated, the applications for the enrollment of Arizona Allred and William C. Allred, (embraced in D 835); Francis M. Dawson, son of Elbert Dawson, (embraced in D 627); Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, and Clyde Jackson, the children of William and Lizzie Jackson, (embraced in D 830); James Lowe, May Lowe, Zelma Lowe, Roberta Love and Rosa Lowe, (embraced in D 839), as citizens by blood of the Cherokee Nation, and that the applications of Lizzie Jackson, widow of William Jackson, (embraced in D 830), and George A. Mabry (embraced in D 979), as citizens by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of the law heretofore quoted, and it is so ordered.

As hereinbefore stated William Pierce (D 409) and Cecil Dawson (D 558) and Green W. Jackson (D 395), died prior to September 1, 1902. It further appears from affidavits, made a part of this record that Liddle and Margaret Graham (D 1128) have died since the date of the application for their enrollment and prior to September 1, 1902.

It is, therefore, ordered that the applications for the enrollment of said William Pierce, Cecil Dawson, Green W. Jackson, Liddle Graham and Margaret Graham be, and the same are hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) TAMS BIXBY,
Acting Chairman.

(Signed) T. E. NEEDLES,
Commissioner.

Dated at Muskogee, Ind. Ter.,
this Dec. 23, 1902.

(Signed) C. R. BRUCHINRIDGE,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Westville, I. T., July 16, 1900.

In the matter of the application of Gideon Graham et al for enrollment as Cherokee Indians; being sworn and examined by Commissioner Needles his testifies as follows:

- Q What is your name? A Gideon Graham.
Q What is your age? A Thirty-three.
Q What is your post-office address? A Wagoner.
Q Where do you live? At Wagoner.
Q How long have you lived there? A About eight years.
Q Where did you live prior to that time? A In Vinita.
Q About eight years you have been living in the Creek country?
A Yes sir.
Q Where did you live prior to that? A I lived near Vinita.
Q How long have you lived in the Indian Territory? A About twelve years.
Q Continuously? A Yes sir, never lived out of it.
Q For whom do you apply? A For myself and family, my wife and children.
Q Are you a Cherokee? A Yes sir.
Q You make application as a Cherokee by blood? A Yes sir.
Q What is the name of your father? A John W. Graham.
Q Is he living? A Yes sir.
Q Is he on the Rolls of the Cherokee Nation? A Yes sir.
Q In what district does he belong? A He formerly lived in Delaware, he is in Canadian.
Q Your mother living? A Yes sir.
Q In what district does she belong? A Canadian.
Q Your name appear upon the 1883 authenticated roll? A No sir.
Q Does it appear upon the 1894 roll? A It appears upon the 1890 roll, Delaware District.
Q Does it appear upon the 1894 roll? A Yes sir, I reckon so.
Note: 1894 roll examined, page 1070, #1280, Tahlequah District, Gideon Graham.
1890 roll, Gideon Graham, page 1128, #1304, Tahlequah District.
Q Did you ever apply to the Cherokee Tribal authorities for District citizenship in the Cherokee Nation? A No sir.
Q Did you ever apply to the Commission to the Five Civilized Tribes known as the Dawes Commission? A No sir.
Q Your name does not appear upon the authenticated roll of 1880?
A No sir.
Q In what right do you claim citizenship? A By my mother, my ancestors.
Q Your mother's name wasn't upon the roll of 1880? A No sir she was admitted here by the properly constituted authorities in 1883.
Q Have you a certificate of that admission? A No sir.
Q Or a certified copy? A No sir, I haven't. But I can get it all right.
Q Are you married? A Yes sir.
Q Under what law were you married? A Under the laws of Texas, I was married in Texas.
Q Have you a marriage license and certificate with you? A No sir.
Q What is your wife's name? A Elizabeth.
Q What was her name before she was married? A Elizabeth Sydow.
Q Does her name appear upon the rolls of the Cherokee Nation?
A It appears upon ~~the~~ all of them I suppose.
Q Is her name upon the rolls of 1880? A No sir.
Note: 1894 roll examined, Elizabeth Graham, page 1280, #90, Tahlequah District.
Q Is that the only roll her name appears upon? A No sir, she would be upon the roll of 1890, Delaware District.
Q Her father and mother are both white people? A Yes sir.
Q In what year were you married? A In 1886.
Q You claim your wife as an intermarried citizen? A Yes sir.

Gideon Graham et al #2

Q You being admitted in 1883? A My mother was admitted in 1883.
 Q How old were you in 1883? A I was born in 1867, January first.
 Q She was admitted in 1883? A Yes sir.
 Q That was before you was twenty-one years of age? A Yes sir, I was about sixteen or seventeen.
 Q You do not present any copy of the act of admission of your mother? A No sir, I haven't got it here.
 Q Is your name in the decree admitting your mother? A No sir it is not.
 Q Have you got any children? A Yes sir.
 John W. Graham, thirteen years old. (On 1896 roll, page 1178, #1305, John W. Graham, Tahlequah District.) Julius E. Graham, eleven. (On 1896 roll, page 1178, #1306, Julius Graham, Tahlequah District.) Francis W. Graham, nine years old. (On 1896 roll, as Francis Graham, page 1178, #1307, Tahlequah District.) Lucy E. Graham, seven years old. (On 1896 roll, page 1178, #1308, Tahlequah District.) Jesse E. Graham, five years old. (On 1896 roll, page 1178, #1309, Tahlequah District.) Grace Graham, four years old. (On 1896 roll, page 1178, #1310, as Grace Graham.) Florence Graham, three months old.
 Q Are those children all alive and living with you? A Yes sir.

Examination by Atty W. W. Hastings, Atty For Cherokee Nation.

Q Where were you married? A Married in Texas.
 Q In what year? A 1886.
 Q What is your oldest child's name? A John W.
 Q Where was this child born? A In Texas.
 Q In what year? A In 1887.
 Q What is your second child? A Julius.
 Q Where was it born? A In Texas.
 Q In what year? A In 1889.
 Q Then you never moved to the Cherokee Nation until about 1889?
 A That's right.
 Q You never moved to the Cherokee Nation until you were twenty-two or twenty-three years of age, and had been married three or four years? A No sir, I don't say that.
 Q You were married in 1886 and the child was born in 1887?
 A About two years, I moved here before this second child was born, I lost my wife in Texas and came on out here.

Court's Remarks: Gideon Graham applies for citizenship as a Cherokee by blood, claiming that his mother was admitted by act of the Cherokee council in 1883 as a Cherokee citizen; he presents no copy of the decree or act admitting him, or certified copy of same; he acknowledges that his name was not included in the act or certificate admitting his mother, but claims as a descendant, by reason of being a descendant. His name is and upon the roll of 1896, page and number as indicated. He claims to have been married to his wife, Elizabeth Sybow, in 1886, but presents no certificate of marriage or proof of same. Her name appears, though, upon the roll of 1896 as per page and number as mentioned herein. Because of the fact that Gideon Graham's name does not appear according to his own testimony, upon the certificate of admission issued to his mother by the Cherokee authorities, his name will be placed upon a doubtful card; the name of his wife, Elizabeth will also be placed upon a doubtful card, no proof of marriage, of any kind being presented to this commission. His seven children as named in this testimony, will also be placed upon a doubtful card, awaiting proof of citizenship of their father and mother.

Gideon Graham et al #3

It will be necessary for Mr. Graham to furnish proof of his marriage to his wife Elizabeth Sydow, and also certificate of birth as to Florence Graham, she being but three months old, and her name not being found upon the rolls of 1896. The six other childrens' names are found upon the roll of 1896, and identified as stated in the testimony.

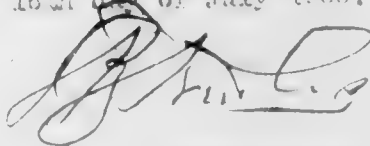
The representatives of the Cherokee Nation protest against the name of Gideon Graham and his family being enrolled even upon a doubtful card, as his name according to his own acknowledgment was not in the decree or act admitting his mother, and he is in no wise a Cherokee citizen and should be rejected by this commission.

Statement by Atty. W. Hastings, representative of the Cherokee Nation:

The representatives of the Cherokee Nation also reserve the right to contest the ~~admission~~ admission of the mother of this applicant, on the ground of fraud, in case proof is subsequently presented of that ~~fact~~ fact.

M. D. Green, being first duly sworn, states that as stenographer to the commission, to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 16th day of July 1900.



Commissioner.

a-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 17 1900

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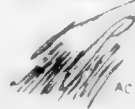
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B-
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 16 1900

A handwritten signature in dark ink, appearing to be "F. B. [illegible]", is written over the typed name.

ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

33

Date

1900.

Name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

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Dist.

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No.

Age

Elizabeth Graham
 "Hattie"
 Affidavit to be supplied.

Feb. 20, 1901

Certified Copy
Marriage License
Gideon Graham
to
Miss Bethie Sydow

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 20 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 1901

[Signature]
ACTING CHIEF

Original Copy
Marriage License
to
William Graham
W. P. Bell, Agent

State of Texas }
Coryell County } To any Judge of the
County or District Court, Regularly Licensed
or Ordained Minister of the Gospel, or Justice
of the Peace in and for said County of
Coryell Greeting.

You are hereby authorized to
solemnize the Rites of Matrimony between
Mr. Gideon Graham and Miss Bettie Sydow
and make due return to the Clerk of the County
Court of said County within sixty days thereafter
certifying your action under this License
Witness my Official signature and Seal of Office
at Office in Gatesville this 9th day of Oct
A D 1886

R B Wells Clerk of the
County Court Coryell County

I J E Sydow hereby certify that on the 10th day
of Oct A D 1886 I united in marriage
Gideon Graham and Miss Bettie Sydow the
parties above named

Witness my hand this 10th day of Oct A D 1886

J E Sydow
Bapt Minister

Returned and filed for Record this 11th day of
January A D 1887

R B Wells
County Clerk

THE STATE OF TEXAS.

County of Coryell.

I, W. B. Woodward, Clerk of the County Court of Coryell County, Texas, do

hereby certify that the foregoing is a true and correct copy of the original *Marriage*.

*License of Mr. Lillian Graham to Miss
D. Lee Sydney together with the return thereon*

as the same appears of record in my office in Book *No. 4* page *73* *Marriage Record*

Given Under my Hand and the Seal of said Court, at office in Gatesville, Texas,

this

21

day of

July

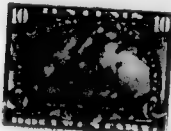
190*0*

W. B. Woodward

Clerk

By

Deputy



815.5 12

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 11 1901

[Handwritten signature]
ACTING COMMISSIONER

COMMISSIONERS
HENRY L. DAWES
JAMES HIXBY
THOMAS H. NEEDES
C. R. BRECKINRIDGE

ALLISON I. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1901.

Received of the Commission to the Five Civilized Tribes
One copy of the testimony in the matter of the application of
Gideon Graham et al. for enrollment as citizens of the Cherokee
Nation.

Gideon Graham

D - 35.

INDEXED.

| COMMISSION TO FIVE TRIBES. | | | |
|----------------------------|-------------|----------|------|
| No. | Received | ANSWERED | |
| | | Book | Page |
| 3683 | MAR 11 1901 | | |
| 1901 | | | |

Y. Graham, T. Graham
Y. Graham, T. Graham
CREEK *Y. Graham*

Y. Graham, T. Graham
Y. Graham, T. Graham
Y. Graham, T. Graham

...CLAUDE C. MAY....

PROPRIETOR OF

➤ GREAT RACKET STORE. ➤



WAGONER, I. T.

March 5th 1881

Madam, Sir,

Memphis, T. S.

Dear Sir: I inadvertently
omitted the middle name
of my daughter when
making application.

Please Sir kindly excuse
her Florence Missouri Graham,
and oblige.

Thanking you for the favor
I am

Sincerely
Edison Graham

605

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 28 1901

[Handwritten signature]

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1901.

Mr. Gideon Graham,

Wagoner, Indian Territory.

Dear Sir:-

The Commission is in receipt of birth certificate in the matter of the application for enrollment of Florence Missouri Graham as a citizen of the Cherokee Nation.

When you applied for the enrollment of yourself and family, you informed the Commission that the name of this child was Florence Graham, and not Florence M. Graham, as shown in the affidavit.

Kindly advise the Commission promptly under what name you desire to have your daughter enrolled.

Very truly yours,

Acting Chairman.

In answering refer
to Chero. D - 55.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 17, 1902.

In the matter of the application of Gideon Graham for the enrollment of himself and his seven minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, as citizens by blood, and for the enrollment of his wife, Elizabeth Graham, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

GIDEON GRAHAM, being sworn, testified as follows:

By the Commission,

- Q Your name is Gideon Graham? A Yes, sir.
Q How old are you? A Thrity-five years old.
Q What is your postoffice? A Wagoner.
Q Are you a Cherokee by blood? A Yes, sir.
Q Your mother was admitted to citizenship in '83? A Yes, sir.
Q Have you been living in the Cherokee Nation since '83? A No, sir, in '87 or '88.
Q You came here in '87? A Yes, sir.
Q Have you been living in the Cherokee Nation since '87? A No, sir.
Q Have you been living in Indian Territory since '87? A I have been living in Wagoner for the last seven years.
Q What's your wife's name? A Elizabeth.
Q Is she a white woman? A Yes, sir.
Q When were you married to her? A '86.
Q She your first wife? A Yes, sir.
Q You her first husband? A Yes, sir.
Q Have you and your wife been living together since your marriage? A Yes, sir.
Q Never been separated? A No, sir.
Q Living together now? A Yes, sir.
Q How many children have you? A Seven.
Q Are they all living? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick
Subscribed and sworn to before me this 17th day of November, 1902.

E. J. Kester
Notary Public.

COPY.

Cherokee D-324--

Muskogee, Indian Territory, February 10, 1903.

A. S. McKennon,

Attorney for Francis M. Dawson, et al,

Wewoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting the application for the enrollment of Francis M. Dawson, Lula Dawson, Ray Dawson, Jessie J. Dawson, Jacob L. Dawson, Hugh A. Dawson, Laura A. Dawson, John Dawson, William R. Dawson, Lizzie Atkins, Arthur Atkins, Edna E. Atkins, Edward C. Atkins, George J. F. Atkins, Francis M. Dawson, Jr., Samuel R. Dawson, August Dawson, Mate Dawson, Robert Dawson, Albert H. Dawson, Ralph H. Dawson, Alford Dawson, Josephine Bulawsky, Dora Bulawsky, Ida Bulawsky, Annie Bulawsky, Blanche Bulawsky, May Bulawsky, Oscar Bulawsky, John W. Dawson, Katie Newman, John Dawson, Robert B. Dawson, Iola M. Dawson, Lemuel H. Dawson, Rosa B. Dawson, Charles L. Dawson, Mattie J. Dawson, Jennings B. Dawson, James U. Dawson, Vergal C. Dawson, Thomas P. Dawson, Mariee J. Dawson, Orle H. Dawson, Burr R. Dawson, James W. Dawson, Robert Pierce, Myrtle Pierce, Arthur Pierce, Charles E. Pierce, Oma Gray, Cecil Gray, Velton Gray, Effie Akin, Nancy J. Bogle, James E. Bogle, Edna M. Bogle, John H. Bogle, Marvin R. Bogle, Claud Bogle, Nancy Edith Bogle, Joseph R. Dawson, Clarence E.

Dawson, Council J. Dawson, Elmer A. Dawson, Cleo Dawson, Rufus T. Dawson, Wilborn Dawson, Edgar Dawson, James R. Dawson, Vinnie D. Dawson, Ermine C. Dawson, Edwin C. Dawson, Ancil F. Dawson, Mollie Moore, Nora Moore, Walter Moore, Clara Moore, Ora Moore, James W. Moore, Edna E. Moore, Henry A. Blasingame, Vinnie C. Blasingame, Elbert L. Blasingame, Ellis W. Blasingame, Earl D. Blasingame, Alexander Blasingame, Jr., Elmer H. Blasingame, James R. Blasingame, William A. Blasingame, George L. Blasingame, Grace D. Blasingame, Zona Patterson, Sarah A. Patterson, Martha A. Patterson, Claud A. Patterson, Edgar D. Patterson, Thomas M. Patterson, Vergil V. Patterson, William C. Dawson, Robert L. Dawson, Elbert E. Dawson, Ralph E. Dawson, Richard W. Dawson, Ina E. Dawson, Ella L. Spickerman, Hellen E. Spickerman, William Glenn Spickerman, Missouri Graham, Tempa V. Graham, Robert S. Graham, Gideon Graham, John W. Graham, Julius E. Graham, Francis W. Graham, Mary E. Graham, Jesse B. Graham, Gracie M. Graham, Florence M. Graham, Laverna A. Painter, Ada E. Painter, Eva E. Painter, John W. Painter, Ray P. Painter, Roberta A. Painter, Tom W. Painter, Florence P. Bradshaw, Myrtle Bradshaw, Claude Bradshaw, Joe E. Graham, William C. Graham, John C. Graham, Edna M. Graham, Robert Lee Graham, Joe Willie Neal, James M. Graham, Marion Graham, Maggie Graham, Luther Graham, Floyd Graham, Ella Jackson, Flora Harmon, Lillie E. Harmon, Claude Harmon, Delight Harmon, William E. Harmon, Toshie A. Jackson, Fannie Lenox, Lottie E. Lenox, Myrtle Lenox, Texanna Woolley, Irene W. Woolley, Wilburn E. Woolley, Mittie Richardson, Edgar Flournoy, Walter Flournoy, Alice Flournoy, Laura

Fluornoy, Oscar Fluornoy, Claude Fluornoy, Edna Fluornoy, Finis T. Richardson, Jasper C. Richardson, Delia F. Richardson, Etta Brauer, Pearl Weddle, Curtis Weddle, Morris O. Weddle, Roy Weddle, William D. Douthitt, Laverna A. Fishback, William A. Fishback, Annie E. Fishback, Florence Morgan, Clide Morgan, Alice A. Morgan, John E. Fishback, Edna Mabry, Roby Mabry and Charley Mabry as citizens by blood of the Cherokee Nation, and for the enrollment of Hattie Dawson, Andrew C. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Nannie Dawson, Sarah J. Dawson, Nellie Pierce, John S. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Blasingame, Mary A. Blasingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (nee Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James H. Harmon, William C. Lenox, Millie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Hiram F. Weddle, and Alonzo M. Fishback as citizens by intermarriage of the Cherokee Nation; rejecting the application for the enrollment of Arizona Allred, William C. Allred, Francis M. Dawson, Osie Jackson, Lizzie Jackson, Jessie Jackson, Ray Jackson, Clyde Jackson, James Lowe, Ray Lowe, Zelma Lowe, Roberta Lowe and Rosa Lowe as citizens by blood of the Cherokee Nation, and for the enrollment of Lizzie Jackson and George A. Mabry as citizens by intermarriage of the Cherokee Nation; and dismissing the application for the enrollment of William Pierce, Cecil Dawson, Green W. Jackson, Liddie Graham and Margaret Graham.

-4-

You have heretofore been furnished with a copy of the record of proceedings had in this case.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished both yourself and the principal applicant, by the attorney for the Nation.

The decision, together with the record of proceedings had in this case will be transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

You are requested to forward to the Commission two copies of your printed brief in this case, in order that the same may be included in the record to be forwarded to the Secretary of the Interior

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. M-45.

Register.

Cherokee D-35.

Muskogee, Indian Territory, April 12, 1904.

Gideon Graham,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 23, 1902, granting, among others, your application for the enrollment of yourself and your seven minor children, John W., Julius E., Francis W., Mary E., Jessie E., Gracie M. and Florence M. Graham, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on March 31, 1904.

Respectfully,

Commissioner in Charge.

Cherokee D 324, et al.

Muskogee, Indian Territory, April 12, 1904.

A. S. McKennon,

Attorney for Francis L. Dawson, et al.,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated December 23, 1902, in the consolidated case of Francis L. Dawson, et al., granting the applications for the enrollment of Francis L., Lula, Ray, Jessie J., Jacob L., Hugh A., Laura A., John, William R. and Francis L. Dawson, Jr., Lizzie, Arthur, Edna E., Edward J., and George J. E. Atkins, John W., Albert L., Ralph M., Alford, Samuel R., August, Kate and Robert Dawson, Katie Newman, Josephine, Dora, Ida, Annie, Blanche, May and Oscar Bulawsky, John, Robert E., Iola L., Lemuel H., Rosa B., Charles B., Mattie J., Jennings E., James C., Morgan C., Thomas L., Marie J., Orle M., Burr R. and James W. Dawson, Ella Jackson, Flora, Lillie R., Claude, Dwight and William D. Harmon, Tessie A. Jackson, Fannie, Bertie B. and Myrtle Lenox, Missouri, Tampa W., Robert S., Gideon, John W., Julius E., Francis W., Mary E., Jesse E., Gracie L. and Florence L. Graham, Laverne A., Ida E., Eva E., John W., May E., Roberta A., and

No. W. Painter, Florence P., Frittle and Claude Bradshaw, Joe H.,
William G., John E., Bona H. and Robert Lee Graham, Joe Willie Neal,
Elias H., Marion, Maggie, Luther and Floyd Graham, Hollie, Nora,
Eliaser, Clara, Ora, James W., and Edna Edith Moore, Richard W. and
Mrs. W. Benson, Ella L., Mollen J. and William Glenn Spickerman,
Albert H., Ralph E., Robert L., and William C. Dawson, Zoma, Sarah
H., Martha A., Oland A., Edgar D., Thomas H. and Virgil V. Patterson,
Joseph H., Clarence E., Council J., Elmer A., Cleo, Rufus E., Edgar,
William, James H., Winnie L., Ermine C., Edwin C. and Ancil W.
Benson, Etta Brauer, Hitty, Selia E., Minis E. and Jasper Cecil
Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna
Flournoy, Texanna, Irene W. and William E. Woolley, Laverna A.,
William A. and Annie B. Fishback, Lola E., Curtis, Morris O. and
Roy Weddle, Florence, Clyde and Alice A. Morgan, John E. Fishback,
Edna, Roby and Charley Mabry and William D. Douthitt, as citizens by
blood of the Cherokee Nation, and dismissing the applications for
the enrollment of Cecil Dawson, Lizzie and Margaret Graham as citi-
zens by blood of the Cherokee Nation, they having died prior to
September 1, 1902, was affirmed by the Secretary of the Interior
on March 31, 1904, and that the Commission's decision rejecting the
applications for the enrollment of James, May, Zelma, Roberta, and
John Lowe, Osie, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

--3--

of the Bureau of the Interior, was reversed by the Secretary of the Interior on the same date.

Respectfully,

Commissioner in Charge.

Cherokee D 321, et al.

Tuskegee, Indian Territory, April 12, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tuskegee, Indian Territory.

SIR:

You are hereby advised that the Commission's decision dated December 22, 1903, in the consolidated case of Francis M. Dawson, et al., granting the applications for the enrollment of Francis M., Lula, Wm, Jessie E., Jessie L., Hugh A., Laura A., John, William E. and Francis M. Dawson, Jr., Minnie, Arthur, Edna E., Edward C., and George E. M. Atkins, John W., Albert M., Ralph W., Alford, Samuel M., August, Edna and Robert Dawson, Louis Herman, Josephine, Doris, Ida, Annie, Blanche, Edna and Oscar Kulawsky, John, Robert E., Iola M., Lemuel W., Ross M., Charles M., Mattie M., Jennings E., James M., Vergal M., Thomas M., Mariee E., Orlo M., Larr M. and James W. Dawson, Ella Jackson, Flora, Lillie E., Claude, Dwight and William E. Harmon, Fannie A. Jackson, Fannie, Bertie E. and Martie Leno, Issac, Emma M., Robert E., Gideon, John W., Julius E., Francis M., Larr M., Jesse E., Gracie M. and Florence M. Graham, Laverne A., Ada E., Eva E., John W., Rex E., Roberta A., and

Roy W. Painter, Florence K., Myrtle and Claude Bradshaw, Joe E., William A., John A., Wena A. and Robert Lee Graham, Joe Willie Neal, James L., Marion, Maggie, Luther and Floyd Graham, Hollie, Nora, Walter, Clara, Ora, James W., and Edna Edith Moore, Richard W. and Ida M. Dawson, Ella L., Hellen J. and William Glenn Spickerman, Robert A., Ralph E., Robert L., and William C. Dawson, Zona, Sarah A., Martha A., Clara A., Edgar D., Thomas L. and Virgil V. Patterson, Joseph R., Clarence E., Council J., Elmer A., Cleo, Rufus T., Edgar, Elceorn, James A., Winnie D., Ermine C., Edwin C. and Ancil E. Dawson, Edith Brauer, Kitty, Delia F., Finis T. and Jasper Cecil Richardson, Edgar, Walter, Alice, Laura, Oscar, Claude and Edna Flournoy, Texanna, Irene W. and Wilburn E. Woolley, Laverna A., William A. and Annie L. Fishback, Lela F., Curtis, Morris O. and Roy Weddle, Florence, Elide and Alice A. Morgan, John E. Fishback, Edna, Roy and Charley Lairy and William D. Northitt, as citizens by blood of the Cherokee Nation, and dismissing the applications for the enrollment of Cecil Dawson, Liddie and Margaret Graham as citizens of blood of the Cherokee Nation, they having died prior to September 1, 1902, was affirmed by the Secretary of the Interior on March 31, 1904, and as to the Commission's decision rejecting the applications for the enrollment of James, May, Zelma, Roberta, and Ella Love, Gae, Lizzie, Jessie, Ray, and Clyde Jackson as citizens

-3-

1. The order of Sheron's action, was reversed by the Secretary of
Interior on the same date.

Respectfully,

2
Commissioner in Charge.

D C 10819-1904.

COPY.

J.W.H.

I.T.D. 7442-1903.
7466- "

DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

JHE

March 31, 1904.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

February 26, 1903, you transmitted the record in the matter of the application of Francis M. Dawson, et al., for enrollment as citizens of the Cherokee Nation, with your decision of December 23, 1902, in which you disposed of these applications by groups, including Group IX, which will be considered herein, the applications of those persons who claim enrollment through Missouri Graham, formerly Dawson, who was admitted to Cherokee citizenship September 9, 1884, by decree of the Cherokee Commission on Citizenship, of which Eli Spears was President.

Said decree recites that Missouri Dawson (now Graham) and others, "are Cherokees by blood and that by virtue thereof they are justly entitled to all the rights and privileges of Cherokee citizenship in the Cherokee Nation, and that they should be and are hereby admitted to the full and complete enjoyment of the same in all respects as native born Cherokees."

Title D.23 refers to the application of John W. Graham for the enrollment of himself as a citizen by intermarriage, and for the

enrollment of his wife, the said Missouri Graham, nee Dawson, and his minor children, Tempa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation. Missouri Graham, nee Dawson, has resided in the Cherokee Nation since 1888. She and her children, whose names appear above, are identified on the Cherokee census roll of 1896. Her name also appears upon the 1894 roll. On February 12, 1888, she was married to the said John W. Graham. A former marriage was entered into by them under the laws of Texas, in 1866.

Title D. 35 refers to the application of Gideon Graham for the enrollment of himself and his minor children, John W., Julius E., Francis W., Mary E., Jesse E., Gracie M. and Florence M. Graham, as citizens by blood, and for the enrollment of his wife, Elizabeth Graham, as a citizen by intermarriage, of said nation. Gideon Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1896 census roll and has resided in the Cherokee Nation since 1888. On October 10, 1886, he married Elizabeth Graham, nee Sydow, and the children named above are the issue of that marriage. Elizabeth Graham and the six older children are identified on the census roll of 1896. The youngest child is identified by a birth affidavit.

Title D. 836 refers to the application of Matthew A. Painter for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Laverna A. Painter, and his minor children, Ada R., Eva P., John W., Ray D., Roberta A. and Roy V.

Painter, as citizens by blood of said nation. Laverna A. Painter is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. She is identified on the 1896 census roll and has resided in the nation since her marriage to said Matthew A. Painter, in 1888. He and their three older children are also identified on the census roll of 1896. The three younger children are identified by birth affidavits.

Title D.1124 refers to the application of Charles T. Bradshaw for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Florence P. Bradshaw, and his minor children, Myrtle and Claude Bradshaw, as citizens by blood of said nation. Said Bradshaw was married March 22, 1894, to Florence P. Graham, in accordance with the laws of the Cherokee Nation. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. Florence P. Bradshaw, nee Graham, is identified on the 1894 strip payment roll, and has resided in the Cherokee Nation since 1888. Their children named above are identified by birth affidavits.

Title D. 1125 refers to the application of Joe E. Graham for the enrollment of himself and his minor child, William C. Graham, as citizens by blood of the Cherokee Nation. Said Joe E. Graham is a son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 strip payment roll, and has resided in the nation since 1884. He married Mary Bradshaw on January 6, 1888. William C. Graham is the

issue of that marriage. He is identified by a birth affidavit.

Title D.1126 refers to the application of John F. Graham for the enrollment of himself and his two minor children, Edna M. and Robert Lee Graham, as Cherokees by blood. Said John F. Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1896 roll and has resided in the Cherokee Nation since 1888. His children, who are the issue of his marriage to Mattie Lawson, a non-citizen, on February 11, 1900, are identified by birth affidavits.

Title D.1127 refers to the application of James Neal for the enrollment of his wife, Joe Willie Neal, nee Graham, as a citizen by blood. She is the daughter of the said Missouri Graham, nee Dawson, and was a minor when her mother was admitted to citizenship. She is identified upon the 1894 pay roll and has resided in the nation since 1888.

Title D.1128 refers to the application of James M. Graham for the enrollment of himself and his minor children, Marion, Maggie, Luther, Lizzie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as a citizen by inter-marriage. The said James M. Graham is the son of the said Missouri Graham, nee Dawson, and was a minor when his mother was admitted to citizenship. He is identified on the 1894 pay roll and has resided in the nation since 1884. On November 2, 1892, he was married to Bessie Willis. The six children named above are the issue of that marriage. The oldest child, Marion, is identified on the pay roll of 1894. The other children are identified by birth affidavits.

The residence of all minor children referred to herein is considered to be that of their parents.

In your decision of December 23, 1902, you held that all of the applicants mentioned above are entitled to enrollment.

Reporting relative to this group October 16, 1903, the Commissioner of Indian Affairs recommended that your decision be approved, in so far as it related to those applicants who claimed by blood, and as to those claiming by intermarriage he recommended that no action be taken at this time.

The Department concurs in the recommendation of the Commissioner, and you are directed to enroll the applicants named above who claim by blood.

The attorney for the Cherokee Nation protests against the enrollment of these applicants, alleging that the decree of the tribal court upon which these claims depend, was obtained through fraud. In this connection, see opinion of the Assistant Attorney General of February 18, 1904, in the Dawson case, copy of which was forwarded to you February 24, 1904.

A copy of Indian Office letter relating to this group is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Refer in reply to
the following:
LAND
A3855-1903.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, October 16, 1903.

CHEROKEE ENROLLMENT.

Francis M. Dawson, et al.,

GROUP IX.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office report of even date, transmitting Group I of this consolidated case, there is enclosed herewith the record relative to the parties applicants to Group IX. of the Francis M. Dawson, et al. case.--

D. 23, Group IX. page 1.

John W. Graham applies for the enrollment of himself as an unmarried citizen, and for the enrollment of his wife, Missouri Graham, and their minor children, Tempa V. and Robert S. Graham, as citizens by blood of the Cherokee Nation.

D. 35, Group IX. page 5.

Gideon Graham applies for the enrollment of himself and his minor children, John W., Julia C., Francis W., Mary E., Jesse H., Gracie H. and Florence H. Graham, as citizens by blood, and for the

enrollment of his wife, Elizabeth Graham, as a citizen by intermarriage.

D. 836, Group IX. page 11.

Matthew A. Painter applies for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Laverna A., and their children, Ada R., Eva P., John W., Ray D., Robert A., and Roy V. Painter, as citizens by blood. Roy V. was born after the date of his father's original application and is identified by birth certificate.

D. 1124, Group IX. page 21.

Charles T. Bradshaw applies for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Florence P., and their minor children, Myrtle and Claude Bradshaw, as citizens by blood.

D. 1125, Group IX. page 25.

Joe E. Graham applies for the enrollment of himself and his minor child, William C. Graham, as citizens by blood.

D. 1126, Group IX. page 23.

John F. Graham applies for the enrollment of himself and his minor children, Mina M. and Robert Lee Graham, as citizens by blood. Robert Lee Graham was born subsequent to the date of his father's original application, and he is identified by a birth affidavit.

D. 1127, Group IX. page 36-1/2.

James Neal applies for the enrollment of his wife, Joe Willie Neal, as a citizen by blood.

D. 1128, Group IX. page 38.

James M. Graham applies for the enrollment of himself and his children, Marion, Maggie, Luther, Liddie, Margaret and Floyd Graham, as citizens by blood, and for the enrollment of his wife, Bessie Graham, as an intermarried citizen. Floyd Graham was born after the original application and is identified by a birth affidavit.

The Commission in its decision of December 23, 1902, held that all the applicants above named, except Liddie and Margaret Graham, who died prior to September 1, 1902, were entitled to enrollment---- John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw and Bessie Graham, as citizens by intermarriage, and the others as citizens by blood.

John W. Graham, (Group IX. page 1), February 12, 1888, married Missouri Dawson, who was admitted to citizenship by the Spears Commission or Court, September 9, 1884. This Court was composed of Eli Spears, John Lee, Andrew Young, John L. Adair was clerk pro tem of the Court. The marriage of February 12, 1888, was performed in accordance with the laws of the Cherokee nation. John W. Graham and his wife, Missouri, were first married in 1866, in accordance with the laws of the State of Texas. John W. Graham and his wife have lived

in the Cherokee Nation since 1888. His name, the name of his wife and the names of his two children appear on the 1896 Cherokee census roll.

Gideon Graham, (Group IX. page 5), is the son of John W. and Missouri Graham, and was a minor when his mother was admitted to citizenship in the Cherokee Nation. He was married to Elizabeth Graham nee Sydlow in accordance with the laws of the State of Texas, October 10, 1886. Gideon Graham, his wife and all of their minor children, except Florence W., are identified by the 1896 census roll. Gideon Graham and his family appear to have lived in the Cherokee Nation since 1886. Gideon Graham is identified by the 1894 roll.

Matthew A. Painter, (Group 9, page 11), was married to Laverna A. Painter nee Graham, under the Cherokee law, August 19, 1888. It seems that these parties were first married, September 22, 1887, but not in accordance with the laws of the Cherokee Nation. Laverna A. Painter is a daughter of John W. and Missouri Graham. She was a minor when her mother was admitted to citizenship. Matthew A. Painter, his wife and minor children, except Ray D., Robert A. and Roy V., are identified by the 1896 roll. From the record it appears that the principal applicant and his family have lived in the Cherokee Nation since 1888.

Charles T. Bradshaw, (Group IX., page 21), was married to Florence Bradshaw nee Graham in accordance with the laws of the Cherokee nation, March 24, 1894. Florence Bradshaw is a daughter of John W. and Missouri Graham. Missouri Graham was admitted to citizenship September 9, 1884, under the name of Dawson. From the record

it does not appear that the name of Charles T. Bradshaw is found on any of the rolls of the Cherokee Nation. Florence graham is identified by the 1894 census roll. Florence Bradshaw and her family appear to have resided in the Cherokee nation since 1888.

John F. Graham, (Group IX. page 33), is the son of John W. and Missouri graham. Missouri Graham was admitted to citizenship September 9, 1884, and the principal applicant was a minor when his mother was admitted. He was married to Mattie Lawson, February 11, 1900. Mattie Lawson is a non-citizen. His name appears on the 1894 pay-roll, but does not appear on the 1896 roll.

James Neal, (Group IX. page 36-1/2), is a recognized citizen of the Cherokee Nation by blood and is enrolled as such. He was married to Joe Willie Neal nee graham, a daughter of Missouri Graham, who was admitted to citizenship September 9, 1884, under the name of Dawson. The name of Joe Willie Neal is found on the 1894 pay-roll, as is also the name of her husband. She was a minor when her mother was admitted to citizenship, and she has lived in the Cherokee nation since 1888.

James M. Graham, (Group IX. page 38), is a son of John W. and Missouri Graham. Missouri Graham was admitted to citizenship in the Cherokee Nation, September 9, 1884. November 2, 1902, James M. Graham was married to Bessie Willis, in accordance with the laws of the Cherokee nation. The name of James M. Graham is found on the 1894 pay-roll. Marion Graham is also identified by that roll. The

other minor children are properly identified by birth affidavits.

In connection with this group, attention is respectfully invited to office report of even date transmitting group 1, and for the reasons therein stated the approval of the commission's decision is recommended, except as to John W. Graham, Elizabeth Graham, Matthew A. Painter, Charles T. Bradshaw and Bessie Graham, who apply for enrollment as intermarried citizens.

As hereinbefore stated, the record shows that Liddie and Margaret Graham died before September 1, 1902.

Attention is also invited to Department letter of June 10, 1903, (I.T.D. 3386), in the Martha Hill case.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

G.A.W.-J.C.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D. 35.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 19, 1906.

Elisabeth Graham,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 23, 1902, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 4, 1906, and your application denied.

Respectfully,

W. C. Beall

Acting Commissioner.

LMC

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

A. S. McKennon,

Attorney for Katie Dawson,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Department December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. W-10
S.W.

Cherokee
D 324 et al.

Muskogee, Indian Territory, December 19, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Katie Dawson, et al., as citizens by intermarriage of the Cherokee Nation, were denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.W-11
S.W.

D.C.53340-1906.

(COPY)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.
LIB

I.T.D.7442,7444,
7446,7448,
7450,7452,
7454,7456,
7458,7462,
7464,7466,
7906-1903.

December 4, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis T. Wite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the applications for the enrollment of Katie Dawson, Andrew T. Atkins, Catherine Dawson, Sarah F. Dawson, August Bulawsky, Fannie Dawson, Sarah T. Dawson, Nellie Pierce, John C. Bogle, Florence Dawson, Martha A. Dawson, Charles T. Moore, Ida Elsingame, Mary A. Elsingame, Martin L. Patterson, Alice Dawson, Sarah J. Dawson (formerly Jones), John W. Graham, Elizabeth Graham, Mathew A. Painter, Charles T. Bradshaw, Bessie Graham, James T. Herman, William T. Lenox, Willie T. Dawson, Henry T. Richardson, Melissa A. Dawson, Miram E. Waddle, Alonzo M. Fishback, Lizzie Jackson, and George A. Mabry, an cit-

izens by intermarriage of the Cherokee Nation, mentioned in letter of the Commission to the Five Civilized Tribes of February 25, 1903, submitting the record in the consolidated case of Francis M. Dawson et al., are rejected. See eleven departmental letters of March 31, 1904, and letters of April 8 and 13, 1904.

The papers still remaining in the Department have been returned this day to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

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B.

P. 44

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W

FILED

JUL 19 1880

Handwritten signature

CHEROKEES BY BLOOD AND ADOPTION.

70
Name *Peter Walters* Date *July 19, 1900*
Westville, Et.

District _____ Year _____ Page _____ No. _____

Citizen by blood _____ Mother's citizenship *Me*

Intermarried citizen *Yes*

Married under what law _____ Date of marriage _____

License _____ Certificate *70*

Wife's name _____

District _____ Year _____ Page *70* No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| Dist. | Year | Page | No. | Age |
|-------|------|------|-----|-----|
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
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| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |

*Copy of record to
be supplied*

B.

N 44

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W

FILED

JUL 19 1880

Wm. H. ...
Librarian

Department of the Interior,
Commission to the Five Civilized Tribes,
Westville, I. T., July 19, 1900.

In the matter of the application of Peter Walters for enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge he testifies as follows:

Q What is your name? A Peter Walters.
Q What is your age? A Seventy years.
Q Your post-office? A Westville.
Q Your district? A Goingsnake.
Q For whom do you make application? A Myself.
Q That all? A Yes sir.
Q Are you a Cherokee by blood? A No sir, by adoption.
Q How long have you lived in this District? A About fifteen years.
Q Been your home all the time? A Yes sir.
Q Your wife dead? A No sir.
Q You are not living together? A No sir.
Q Are you divorced? A Yes sir.
Q Have you got a decree of divorce? A No sir, it is on record somewhere.
Examined by Representative of Cherokee Nation Baugh:
Q Who brought suit for your divorce you or your wife?
A She tried to apply, but had no grounds for a divorce and couldn't get a divorce, and then I applied.
Q She abandoned you? A She wouldn't live with me at all.

Examined by Cherokee Representative Hastings:

Q Did I institute the suit for you or not? A I don't know.
Q Did I bring the suit for you? A No sir, Jess Graham. You drew the petition when I went to get married, and signed it also.
Note: 1896 roll examined for Peter Walters, and his name not found thereon.
Com'r Breckinridge:
Q How come it you wasn't enrolled in 1896? A I don't know sir.

Examined by Representative Hastings:

Q Have you married since this divorce? A No sir.
Q You are not married now? A No sir.
Q You have never married since you married this woman in 1892?
A No sir, never have.
Q How long did you live with this woman? A Never lived with her at all. She wanted a divorce the next morning.
Q Then you separated the next morning? A Yes sir, then made it up and tried to live with her and she yet wouldn't live with me.
Q How long did you live with her when you was trying to live with her the second time? A About two months.
Q That is all you ever lived with her? A Yes sir.
Q Where is she living now? A She is living down here on Peavine I think, somewhere.

Com'r Breckinridge

Q What was your wife's name in 1880? A Delilah Sanders, I reckon.

Note: 1880 roll examined for Delilah Sanders, page 473, #1574, Lila Sanders, Goingsnake District.

1894 roll examined for Lila or Delilah Walters, and name not found.

Q What name did she go by in 1894? A I don't know, she called her name back Delilah Sanders.

Note: 1894 roll examined for Delilah Sanders, page 705,

Peter Walters #2

#1902, Delila Sanders, Goingsnake District

1896 roll examined, Delila Sanders, page 789, #1936,.

Q It seems that your wife registered each time under the name of her former husband? A Yes sir.

Com'r Breckinridge: Your marriage is duly certified here by the marriage license that you produce, under the signature and seal of the Clerk of the District, showing that you were licensed to be married on the 4th of May 1892; and the certificate shows that you were duly married on same day, and that it was properly registered. The fact that your wife is a Cherokee citizen by blood, or at least, beyond all question is shown by her recognition on the roll of 1880, and she is identified on the roll of 1894 and 1896, though it appears that she should have enrolled under your name instead of the name of her former husband. You state now that you have received a decree of divorce from your wife; that you have never been married; you need to supply this Commission with a certified copy of that decree of divorce, showing that it was in your favor, when that is done you will be enrolled as a Cherokee by adoption. In the meanwhile the final decision will not be rendered until that evidence is supplied. Send that to the Commission at its offices at Muskogee, and you will then be enrolled as a Cherokee by adoption.

Com'r Breckinridge: He needs to supply the Commission with the evidence stated, and decision is reserved and his application will be placed upon a doubtful card.

Representative Hastings:

The representatives of the Cherokee Nation protest against the enrollment of this applicant, because from his own statement he shows that he did not live with his wife but one ~~day~~ night after their said marriage in 1892, which, they believe, is sufficient evidence to show that this marriage was fraudulently entered into for the purpose of securing a right in the Cherokee Nation, and should not be accepted by the Commission.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

M.D. Green

Subscribed and sworn to before me this 19th day of July 1900.

Clifton A. ...
Commissioner.

"R"

Cherokee D 44

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of
the application of PETER WALTERS for enrollment as a citizen of the
Cherokee Nation.

Appearances:

Applicant in person;

W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered mail
on the 30th day of January, 1902, that his case would be taken
up by the Commission for final hearing on February 15, 1902,
and that he would on said date be given an opportunity to ap-
pear before the Commission in person or by attorney and intro-
duce any additional testimony affecting his application.

PETER WALTERS, the applicant, being sworn and examined
testified as follows:

BY COMMISSION:

Q What is your name? A Peter Walters.
Q How old are you? A 71 years old.
Q What is your post-office address? A Westville.
Q Are you an applicant before this Commission for enrollment as
a Cherokee by intermarriage? A Yes sir.
Q Is there any other testimony that you desire to introduce or
any other statement that you desire to make relative to your en-
rollment? A I can get Mr. Still and some of them to state that I
was always recognized as a citizen here, and they allowed me to
sit on jury and vote.

BY COMMISSION: When the original application was made before
the Commission in 1900, on the 19th day of July, the appli-
cant was requested to file with the Commission a copy of the
decree of the court granting him a divorce from his wife,
Delilah Walters; there was received by the Commission on the
4th day of March, 1901, a certified copy of said decree.

BY MR. HASTINGS:

Q Where were you born? A I was born in Prussia.
Q When did you come to the United States? A I couldn't tell that.
Q How old were you? A I was just a small boy.
Q Well, where did you grow up to manhood? A I grew up to manhood
in Ohio.
Q Were you married in Ohio? A No sir.
Q Where did you go from Ohio? A Southwest Missouri, Saint Joseph,
Missouri.
Q Were you married there? A No sir.
Q Were you ever married before you married this wife, Delilah
Sanders? A Yes sir.
Q To whom were you married? A Sarah J. Gilmore, a widow woman.
Q Was that your first marriage? A Yes sir.
Q Was that your only marriage before you married this woman? A Yes
sir.
Q Where did your first wife, Sarah J. Gilmore? A She is dead.
Q When did she die? A I couldn't answer that, when she died.
Q Why? A I don't know.
Q How long did you live with her? A I lived with her from '65
to '80 somewhere.
Q Did you live with her until her death? A Yes sir.
Q Were you and she living together at the time of her death?
A Yes sir, she died on Zeke Proctor's place.
Q Were you ever married to anyone else besides these two women?
A No sir.

Q Never lived with anyone else as husband and wife? A No sir.
Q Was this woman Delilah Sanders ever married before she married you? A Yes sir.

Q To whom? A Dave Sanders.

Q Had she been married more than once? A I don't know.

Q Was Dave Sanders alive when you married her? A No sir.

Q He was dead? A Yes sir.

Q You lived with this woman one night-did you live with her but one night? A No.

Q Yes. A Not on the start I didn't live with her but one night, and then I made up with her and lived with her about two months.

Q About two months after that? A Yes sir, and then she told me to get up and go.

BY COMMISSION:

Q How long after your first separation was it before you took up with this woman again? A It was about two weeks, two or three.

Q How long, about two weeks? A Yes.

Q Did you go back and live with her then or did she come back and live with you again? A I went and lived with her awhile.

Q For how long? A About month, or two, I don't recollect just what time.

Q Did you ever live with her after that? A No.

Q You only lived with her then about one month all told? A About one month all told; I couldn't make her live with me.

Q Did she leave you? A Yes sir.

Q You desire to have Mr. Still testify in your case? A Yes sir, they have always recognized me as a citizen.

TOM STILL, being sworn and being examined, testified as follows:

BY COMMISSION:

Q What is your name? A Tom Still.

Q How old are you? A I am 53 or '4.

Q What is your post-office, Mr. Still? A Westville.

Q Are you acquainted with the applicant, Peter Walters? A Yes sir.

Q How long have you known him? A Well I couldn't say positive, about seven or eight or ten years, somewhere along there.

Q Is he a white man? A Well I reckon he is.

Q Did you know his wife, his Indian wife I mean, the last wife?

A Well I know the woman that they said he had got a license to marry

Q What was her name? A Lilah Sanders.

Q Was she a Cherokee Indian? A Yes sir.

Q Were they living in your neighborhood when they were said to have been married? A Living about between nine and ten miles from me.

Q You know whether or not he ever lived with her as his wife?

A No sir, I don't.

Q You don't know anything about that? A No sir.

Q You don't know anything about their separation, if they did separate? A No sir.

BY MR. HASTINGS:

Q You don't know anything about the cause of it? A No sir.

BY COMMISSION, of applicant:

Q You want to ask any questions of him? A Well, he knows that they have always recognized me as a citizen.

Q Ask him any questions you want to ask him.

Applicant: They have always allowed me to vote and sit on the jury.

BY COMMISSION, of witness:

Q You know whether this man has married since he left his wife, Delilah? A No sir, I don't know.

Q Living anywhere near him now? A He is living about ten miles from me, down below.

Q Is he living on the same place that he lived when he separated

from this woman? A Same place. Living with his son I suppose.

APPLICANT, PETER WALTERS, re-called and further examined, testified as follows:

BY COMMISSION:

Q No more testimony you want to introduce in this case? A No sir, I reckon not.

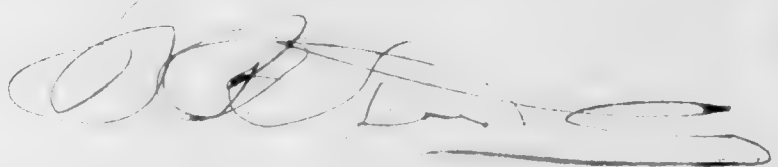
Q Do you submit this case then to the Commission for final consideration? A Yes sir.

BY MR. HASTINGS: Cherokee Nation submits.

M.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 18, 1902.



Commissioner.

1111D

em

MARRIAGE LICENSE.

CHEROKEE NATION, Going Snake

District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. Peter Walters,
a citizen of the United States, and Mrs Delila Sanders,
a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 4th
day of May 18 92.

S E A L

J. R. Garrett

Clerk Going Snake District

Cherokee Nation, I. T.
Going Snake District.

I, W. N. Littlejohn a Judge M J C hereby certify that on the 4th day of May 1892, I joined in marriage Mr. Peter Walters, a citizen of the United States and Mrs. Delila Sanders, a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 4th day of May A.D. 1892.

W. N. Littlejohn
Circuit Judge, M. J. C. C. N.

S E A L ~~Given under my hand~~

I hereby certify that the within license has this day been recorded by me and is now on file in this office this May the 9th 1892.

J. R. Garrett Clerk
Gling Snake District. Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., February 4, 190 2.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of

Peter Walters, as a citizen of the Cherokee Nation.


Commissioner.

Regular Term of Circuit Court Sept. 8th, 1893.

Case of Peter Walters Vs. Delila Walters, suit for divorce from the bonds of matrimony the case having been called and the parties answer to their names, whereupon the defendant confessed Judgement in the case. Now therefore is decreed by the court that the bonds of matrimony now existing between the said Peter Walters and Delila Walters be dissolved A vincula Matrimonie.

W. N. Littlejohn, Circuit Judge.

M. J. C. Cherokee Nation.

Executive Office Cherokee Nation.

Tahlequah, I. T.

I, B. W. Alberty,

assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the Record of the Circuit Court of Going Snake District Cherokee Nation now filed in this office and in my custody.

S E A L.

B. W. Alberty
Assistant Executive Secretary.
Cherokee Nation.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. February 4, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in application for evidence in the matter of the enrollment of Peter Walters, as a citizen of the Cherokee Nation.


.....
Commissioner.

as a citizen of the Cherokee Nation.

evidence in the matter of the citizenship of Peter Wolford.

foregoing is a true and correct copy of the original entered in

I, the undersigned, do hereby certify that the foregoing

Commissioner I. T. DeLoach, Jr.
Commissioner to the Five Civilized Tribes.
Department of the Interior.

S E A T.

Veraplan, Executive Commission
D. W. Vinton

not after the date of the original of the

of the Circuit Court of the Cherokee Nation

certify that the foregoing is a true and correct copy of the

Assistant Executive Commission of the Cherokee Nation do hereby

I, S. W. Vinton,

Assistant

Executive Office Cherokee Nation

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 2 1902

D. W. Vinton, Director

A. M. Vinton, Assistant

re.

Peter Wolford, a citizen of the Cherokee Nation

and that the foregoing is a true and correct copy of the

judgment in the case. Now therefore it is ordered by the

tribe to be a true and correct copy of the original of the

from the books of the Cherokee Nation

case of Peter Wolford vs. D. W. Vinton, Director

Register of the Cherokee Nation, D. W. Vinton

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 13, 1902.

In the matter of the application of PETER WALTERS, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

PETER WALTERS, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name ? A Peter Walters.
Q How old are you ? A Seventy-one year old.
Q What is your post office ? A Westville.
Q Are you a white man ? A Yes sir.
Q You are claiming as an intermarried citizen, are you ?
A Yes sir.
Q What is your wife's name ? A Delilah Sanders.
Q Is that the name of the wife through whom you claim your citizenship ? A Yes sir.
Q When were you married to her ? A The 1st day of May, 1892.
Q Had you ever been married before that ? A Yes sir.
Q How often ? A Once.
Q Who was your first wife ? A Sarah J. Gilmore, a widow.
Q Was she a white woman ? A Yes sir.
Q Is she dead ? A Yes sir.
Q When did she die ? A She died about fourteen years ago, I can't recollect just the date.
Q She died before you were married to your second wife ?
A Yes sir.
Q Now was this Delilah Sanders ever married before she married you ? A Yes sir.
Q How often ? A I don't recollect of her being married but just once.
Q Who was her first husband ? A David Sanders.
Q Was he a Cherokee ? A Yes sir, a full blood.
Q Now, is her first husband dead ? A Yes sir.
Q Was he dead when you married her ? A Yes sir. He died and my wife died about the same time.
Q Then Delilah Sanders had been married just once before she married you ? A That's all I know of.
Q Is your wife Delilah living ? A Yes sir.
Q Are you living with her ? A No sir.
Q When did you separate ? A Right from the start, she separated from me, and we made up and lived together about two months, and she left again.
Q You lived with her about two months following the marriage ?
A Yes sir.
Q Then what happened ? A She left.
Q She left home did she ? A Yes sir.
Q What was the trouble ? A I don't know; we never had a word.
Q Did she tell you why she left ? A She said she just married me to give me a right in the Nation.
Q Did you marry her to get a right in the Nation ? A No sir.
Q Where did she go ? A She went to her brother's, and went around from one place to another.
Q Did you ever try to get her back ?
A I made it up with her once, and she left the second time.
Q How long after she had been gone ? A Two weeks.
Q Did she come back to you ? A Yes sir, she come back.
Q How long did she live with you then ? A About two months.
Q Then she went again ? A Yes sir.

Q She has never come back since ? A No sir, I just knocked around at first one place and then another, and didn't have no home then, and she left me. I was working here and there.

Q Did you ever give her any cause to leave you that you know of ? A No sir, not that I know of.

Q You provided for her ? A Yes sir, she cost me somewhere about eighty some odd dollars in two months.

Q You had a home at the time you married her ? A No sir.

Q Where did you take her when you married her, did you rent a house ? A She had a home.

Q She left that home did she ? A She left it, and come back and made me leave it afterwards.

Q How did she make you leave ? A She told me she didn't want me around here at all, or my children.

Q Your children by your first wife ? A Yes sir, two little girls.

Q So you had to go away with your children ? A Yes sir.

Q And you have never lived anywhere since that time, together ? A No sir.

Q Haven't married anybody else have you ? A No sir.

Q Did you ever sue for divorce ? A Yes sir, I sued for divorce.

Q When ? A I can't tell just what year. She tried to sue for divorce and couldn't, and I got a divorce.

Q On the ground of desertion ? A Yes sir.

Q Did you get it ? A Yes sir.

Q You have filed a copy of that decree with this Commission ? A Yes sir.

Q How long have you been living in the Cherokee Nation, Mr. Walters ? A I have lived in here about sixteen years. Have been working off and on in the Cherokee Nation since 1881.

Q Have never made your home outside the Cherokee Nation within the past fifteen years ? A No sir.

Examined by J. C. Starr:

Q Where did you and your first wife Sarah J. Gilmore, live ? A I married her in Missouri.

Q In what town ? A It wasn't no town, it was in the country. It was in Polk county.

Q What was her post office ? A Jackson Point.

Q Where did you and she live ? A We lived there in the county until I left.

Q Did you live with her until she died ? A Yes sir, she died in the Cherokee Nation.

Q At what place ? A On the Illinois river; this man Robert Gass was there when she died.

Q Where did your wife Delilah and her first husband live during his lifetime ? A Down here about ten miles from Westville, in the Cherokee Nation.

Q Were they living there when he died ? A Yes sir, they lived right close to where Westville is now.

Q Did she live with him until he died ? A Yes sir.

Q Now, when you married Delilah Sanders, you say you didn't have any home ? A No sir.

Q You had no place to take her ? A No sir.

Q Where did you go that day ? A Stayed there at her place, till morning.

Q You stayed all night ? A Yes sir, and I had to leave.

Q How long were you gone ? A About two weeks, and she sent for me, and I went back.

Q How long did you stay then ? A About two months.

Q You left and was gone two weeks and come back ?

- A I was off at work, that's all.
Q You weren't living with her? A No sir.
Q When you came back, how long did you stay with her?
A About two months.
Q Then you left again? A She made me leave.
Q Where did you go? A Back to the same place near Westville.
Q You never did live with her any more after that?
A No sir.
Q Didn't you marry this woman just to get a right in the Cherokee Nation? A No sir, I did not.
Q She says that's what she married you for?
A That's what she claimed. I asked her what she married me for and she said to give me a home in the Cherokee Nation.
Q You never did have any home before you were married to her?
A No sir.
Q After you married you went to her house and stayed, and then left the next morning?
A She come up and said she didn't want me to stay.
Q You stayed all night? A Of course I did.
Q You stayed all night till daylight, and then left?
A She got up and shot off her old gun, and raised old Cain, and her boys got after me, and I made up the best I could and left.
Q You left? A She made me leave, I couldn't stand that for the whole Cherokee Nation; I couldn't stand that, she just raised old Cain.
Q How old was she when you married her?
A Forty years old.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this October 30, 1902.

B. C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Peter Walters for his enrollment as a citizen by intermarriage of the Cherokee Nation.

DECISION

The record in this case shows that on July 19, 1900, Peter Walters appeared before the Commission at Westville, Indian Territory and made personal application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 15, and on October 13, 1902.

The evidence shows that Peter Walters was lawfully married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on May 4, 1892, to Mrs. Delila Sanders, a citizen by blood of the Cherokee Nation. The applicant and his wife lived together for one or two months after their marriage; they then separated, and on September 8, 1893, a decree of divorce was rendered dissolving the marriage relation between the applicant and his said wife. The applicant testifies that his wife left him and the evidence fails to show that the applicant abandoned his wife as contemplated by Cherokee laws. The evidence further shows that he has not re-married since the divorce.

The evidence further shows that the said Peter Walters has resided in the Cherokee Nation for fifteen years immediately prior to the date of his application.

It is, therefore, the opinion of this Commission that Peter Walters should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

11/11/11

11/11/11

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory.....January 30

1902

.....Mr. Peter Walters,

.....Westville, Indian Territory.

Sir:

You are hereby notified that the application of.....yourself

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

15th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Register
Cherokee D-44

Acting Chairman.

REFER IN REPLY TO THE FOLLOWING

Cherokee No.
D. 44

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1907.

Peter Walters,
Westville, Indian Territory

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

| | | | |
|----------------------|-----|---------------------|-----|
| James Watson | 5 | Scott Harless | 294 |
| Benjamin W. Williams | 8 | Emma Phillips | 307 |
| Lena Severs | 19 | John Whisenhunt | 350 |
| Sarah E. McCay | 21 | Tilman Chance | 373 |
| Joseph Herberger | 23 | Thomas A. Sheffield | 384 |
| Laura Henson | 43 | Vester C. Martin | 388 |
| William W. Barnes | 48 | William Grigsby | 417 |
| Georgia Wood | 54 | William J. Largen | 508 |
| Walter A. Edens | 62 | Joseph P. Willis | 584 |
| Adda B. Ward | 69 | James T. Miller | 598 |
| Samuel G. Victor | 73 | George A. Waters | 632 |
| Sarah M. Thomas | 109 | Jenette Messer | 666 |
| William B. Watson | 165 | Joseph A. Patton | 679 |
| William H. Ford | 173 | Benjamin G. Holland | 763 |
| Thomas N. Wilson | 185 | William Gordon | 798 |
| Ulsie Ann Smith | 206 | Maggie Patterson | 804 |
| Susan M. Perry | 208 | Martha M. Bruner | 832 |
| Gertrude Palone | 224 | Emma Morris | 842 |
| Hugh Willis | 229 | Susie Fivekiller | 857 |
| Mary A. Wilkie | 248 | John F. Carden | 861 |
| John W. Thurman | 253 | William H. Burrow | 967 |

| | | | |
|----------------------|------|---------------------|------|
| Mary Pettit | 977 | Millie Morton | 1554 |
| Bettie Mitchell | 985 | Andrew Walters | 1573 |
| John J. Harrison | 993 | John H. Holder | 1610 |
| Jasper N. Bateman | 1029 | Mary M. Burr | 1612 |
| Susan Ballard | 1065 | Thomas E. Bonham | 1644 |
| Lucy Eva Simmons | 1073 | Florence Headrick | 1663 |
| Ellen Thornton | 1089 | Daisy B. Brewer | 1709 |
| Sarah E. Hair | 1090 | Annie Cordrey | 1717 |
| Norman S. Drake | 1092 | Adam Eckert | 1722 |
| Susan Hogg | 1094 | Isaac Timmons | 1726 |
| David L. Scott | 1099 | Gent Gibson | 1727 |
| James C. Taylor | 1111 | Amos Anderson | 1731 |
| Roxie Shepard | 1128 | William J. Mounts | 1734 |
| Robert G. Elgin | 1136 | James D. Alexander | 1745 |
| William Hall | 1137 | Willis E. Miles | 1769 |
| Mary Ella Lattimore | 1141 | Lora Adair | 1781 |
| Maggie J. Keys | 1149 | John Yarborough | 1796 |
| Joseph M. Correll | 1177 | Lillie M. Dassler | 1802 |
| Jane Ratley | 1225 | Bryant C. Redington | 1804 |
| George E. Norton | 1234 | Malisa A. Maxwell | 1808 |
| Mahala D. Thompson | 1247 | Richard Dukes | 1811 |
| Charles M. Trammel | 1264 | Fannie Pettit | 1816 |
| Flora Carlile | 1265 | Genevia Pool | 1817 |
| William H. Norrid | 1275 | Mollie Crossland | 1822 |
| Olivia Bengé | 1276 | Lizzie Bengé | 1828 |
| Dollie Wilson | 1278 | John H. Welty | 1847 |
| Moses Bell | 1279 | Edward P. White | 1884 |
| Sarah Fleetwood | 1290 | Lauren P. Green | 1887 |
| Rosa E. Fargo | 1299 | Charles Rosser | 1898 |
| William M. Oliver | 1333 | Fay Adair | 1913 |
| Andrew J. Couch | 1340 | Henrietta Irving | 1920 |
| Lina Hyles | 1347 | Bird Trippard | 1925 |
| Mary M. Miller | 1350 | John C. Carlile | 1937 |
| Mary E. Taylor | 1368 | John W. Gilstrap | 1954 |
| Polly Ann Bengé | 1369 | Sarah Young | 2018 |
| Margaret Moton | 1385 | Nancy A. Coleman | 2049 |
| Minnie McKinney | 1390 | James N. Whisenhunt | 2118 |
| Nettie Seabolt | 1418 | Hiram Stephens | 2157 |
| Lawrence G. Faulkner | 1433 | Asa L. Guinn | 2159 |
| Sarah A. Holt | 1449 | Rebecca J. Flying | 2172 |
| Jennette Polecat | 1492 | Thomas J. Measles | 2192 |
| Ellen Seabolt | 1508 | Julia Coody | 2215 |
| Charles W. Nettles | 1509 | Sarah Crutchfield | 2224 |
| Lena Sittingdown | 1511 | Henry E. Lee | 2251 |
| Tim Creeden | 1513 | Sarah Gritts | 2256 |
| Odie Pidcock | 1517 | John A. Madden | 2261 |
| Silas A. Saterfield | 1529 | Henry C. Pennel | 2271 |
| Laura J. Jeremiah | 1530 | Matilda S. Cleland | 2302 |
| Etta Hicks | 1540 | Dona A. Frazier | 2312 |
| Mary A. B. McKinney | 1550 | Laura B. Cordrey | 2320 |

| | | | |
|-----------------------|------|------------------------|------|
| Lafayette D. Kindred | 2328 | William A. J. Trotter | 3257 |
| Pearl V. Sisson | 2339 | Albert P. Goforth | 3298 |
| Nancy J. Sevier | 2380 | Anna B. Martin | 3307 |
| Mollie Hair | 2385 | William Brown | 3344 |
| Dora Sayers | 2474 | Jennie B. Bluejacket | 3345 |
| William T. Jones | 2501 | William Little | 3377 |
| Sarah L. Martin | 2502 | Julia M. A. Russell | 3386 |
| William J. Shoemaker | 2506 | Andrew J. Smith | 3393 |
| Maud Baldrige | 2511 | William N. Blakemore | 3396 |
| James L. Townsend | 2513 | Lizzie Denton | 3417 |
| George L. Morgan | 2568 | Belle Hudson | 3435 |
| Andrew A. Brown | 2575 | Thomas S. Heady | 3437 |
| Louis K. Fair | 2623 | William M. Roseborough | 3444 |
| James L. Mitchell | 2644 | Madison G. Hawkins | 3467 |
| Martha E. McNair | 2659 | Japhat F. Ellis | 3491 |
| Millard F. Eggleston | 2668 | Emma McAffrey | 3543 |
| Elisha M. Gray | 2686 | William T. Huitt | 3570 |
| Jessie M. Ballard | 2694 | Myra F. Chouteau | 3580 |
| Annie Mayes | 2798 | Phillip Donohoo | 3581 |
| Belle Sixkiller | 2809 | Fred L. Kelley | 3593 |
| James P. Riley | 2825 | Annie Herod | 3594 |
| William Broadus | 2854 | Maggie V. Fields | 3615 |
| William A. Martin | 2865 | Lou Payne | 3616 |
| Joseph Q. Buchanan | 2888 | Frederick W. Strout | 3692 |
| Marcellus L. Baker | 2905 | Andrew L. McCamish | 3713 |
| Etta M. Hill | 2915 | Sarah Dirthrower | 3731 |
| John R. Smith | 2922 | William P. Coble | 3758 |
| Ira W. Wallen | 2926 | Robert L. Madison | 3761 |
| John B. Laurence | 2959 | Mariah McDowell | 3795 |
| Lula O. Hitchcock | 2961 | Elizabeth R. Thornton | 3811 |
| Bell L. Muskrat | 2975 | Donithan A. Wilson | 3841 |
| Eliza O'Field | 2977 | Charles F. Covey | 3868 |
| Margaret Suagee | 2993 | Tamsey M. Williams | 3886 |
| Winfield S. Nance | 3007 | Mary J. Wolfe | 3889 |
| Benjamin F. Kelley | 3010 | Lathan Lumbard | 3891 |
| Mollie Daugherty | 3039 | Micajah P. Haynes | 3897 |
| Charles H. Leatherman | 3043 | Annie L. Wingfield | 3903 |
| Alice A. Edwards | 3100 | Mary Fields | 3907 |
| Dorinda Adair | 3106 | William W. Dudley | 3944 |
| William R. Gray | 3118 | Minnie M. McLaughlin | 3950 |
| Dora B. Caulk | 3143 | Henry B. Lindsey | 3978 |
| Jesse M. Gallman | 3161 | Wilbert H. Parkison | 3999 |
| Martha E. Garrett | 3162 | Seth R. Hall | 4011 |
| Artie E. Large | 3164 | Wiley Hanna | 4016 |
| Andrew A. Kelley | 3191 | Martha M. Woods | 4093 |
| Anna B. Ryne | 3193 | Lizzie Gray | 4117 |
| Elisa Henderson | 3198 | Nancy C. Carey | 4131 |
| David E. Jenkins | 3212 | Annie E. Kenney | 4165 |
| Lizzie Falling | 3233 | William H. Ward | 4169 |
| Robert L. Payne | 3252 | Nannie Brewer | 4189 |

Nancy J. Kinney 4225
 Sydney E. Bell 4232
 Isaac H. Jordan 4235
 Charles Parks 4244
 Dora Frenchman 4262
 James R. Fugate 4275
 Maud Adams 4277
 Elizabeth Black 4281
 Anna Thornton 4291
 Robert T. Morrison 4294
 Perley Israel 4295
 William A. Long 4304
 Mollie Swannock 4319
 Frances Guess 4324
 Allen H. Gibson 4327
 John McFall Jr. 4343
 Albert W. Fitzsimmons 4360
 George S. Ford 4386
 Quinn Carr 4387
 William A. Powell 4390
 Austin Hasley 4400
 Anna Bible 4414
 Elizabeth Riley 4428
 John P. Sudderth 4449
 Anderson Keen 4450
 Ida M. Adams 4451
 Martha J. Randall 4457
 Mollie Conner 4477
 Jane McGhee 4491
 Jennie Riley 4525
 Hannah Randall 4528
 Charles W. Childers 4542
 Nannie B. Riley 4543
 John W. McDaniel 4544
 Minnie Armstrong 4548
 Ada Chouteau 4549
 Mary Thompson 4571
 Ota Armstrong 4593
 Mary Spencer 4594
 Clarkson F. Woody 4603
 James M. McConnell 4604
 Annie E. Coker 4605
 Jennie Long 4606
 Julia Gilstrap 4607
 Laura E. Smith 4608
 Annie Nicholas 4609
 Minnie R. Taylor 4611
 Mary E. Rogers 4614
 Emma Downing 4615
 William Steere 4619

Roxie J. Ketchum 4623
 Lizzie Love 4626
 Robert K. Wann 4632
 Frederick Metzner 4633
 John C. Bratcher 4634
 Pigrow L. Jones 4641
 Ada Bertholf 4642
 Alice Robbins 4644
 Jane Dougherty 4649
 Samuel Francis 4650
 Clemon C. Peek 4652
 Mont C. Frazier 4653
 Frank J. Mayberry 4656
 Charles W. Moore 4660
 Jefferson D. Edmondson 4661
 Alonzo H. Boone 4662
 Thomas C. Mock 4668
 Sallie Allison 4669
 Elizabeth E. Burgess 4671
 LaFayette Breeden 4673
 James M. Boling 4676
 Francis A. Neilson 4681
 John F. Smith 4689
 Rufus S. Steward 4691
 John I. Haddock 4694
 Maggie O. Walkley 4695
 George W. Talbert 4698
 Mary Miller 4700
 Henry C. White 4707
 Mattie E. Hill 4760
 Alice A. Bible 4772
 Katie Coker 4785
 John Creek 4801
 Ruby R. Bean 4804
 William J. Dodson 4836
 Blackburn Reed 4882
 Viola Lowther 4891
 William B. Ritchson 4910
 Henry D. McDonald 4950
 Della McDaniel 4956
 Dorothy Rattlinggourd 4991
 Ida McCay 5093
 Henry M. Lyon 5100
 Alice J. Wofford 5101
 Nancy Morris 5137
 Ella Sullivan 5140
 Winfield Williams 5144
 Bessie M. Smith 5145
 May Humphrey 5207
 Donnie Burgess 5235

Nora B. Burgess 5236
 John E. Etter 5239
 Harriette Rogers 5240
 Amanda Foreman 5244
 William H. Wells 5261
 John T. Gaylor 5266
 Annie Sweeten 5269
 Rosalee Hendricks 5278
 Emma Chambers 5328
 James H. Thomas 5329
 Melville B. Baird 5332
 James R. Goodall 5356
 Charles Horton 5390
 James W. Goddard 5417
 Dora Cox 5425
 Nannie G. Alberty 5438
 Sallie Ward 5455
 William H. Sutherland 5484
 Lizzie Hall 5487
 Cyrus B. Essex 5489
 Eda Taylor 5493
 Laura Taylor 5494
 Elector D. Miller 5496
 Emberson M. Arnold 5498
 Stella Henry 5499
 William E. Oneal 5506
 John M. Sharp 5509
 John L. Davis 5514
 Sarah E. Downing 5518
 Samantha C. Glass 5524
 Harry Jones 5525
 Aggie Paris 5532
 James W. Hallford 5535
 Phoebe Coker 5537
 Anthony K. Douglas 5538
 Joseph H. Johnson 5541
 Harvey O. Riggs 5547
 Alice Glass 5553
 Addison Reeves 5566
 Alice Coats 5572
 Julia Kidd 5575
 William R. Greer 5576
 Rosa M. Sixkiller 5581
 Nancy Inlow 5587
 Daisey H. Owen 5599
 Annie R. C. Owen 5600
 Jesse McKnight 5602
 Cicero J. Strange 5610
 Henry Westenhaber 5611
 Emma H. Roach 5612

William A. Polson 5613
 Paulina P. Pitcher 5614
 Charley Headrick 5615
 William N. Stinson 5616
 Lenora A. Henry 5621
 Effie M. Adams 5622
 John H. Shimp 5624
 Thomas B. Dickson 5625
 Minnie Henry 5628
 Thomas J. Simpson 5629
 Cap L. Lane 5630
 Reuben E. DeLozier 5631
 John Heape 5640
 Perry G. Brock 5645
 Mary J. Newcomb 5650
 George W. Seigel 5660
 Martha A. Parks 5666
 Zelda C. Mills 5674
 Lizzie Rogers 5675
 Emma Pigeon 5676
 Nellie Bluejacket 5677
 Lucy Bacon 5679
 Thomas B. Wood 5681
 Asa W. Simerson 5683
 William J. Kuhn 5686
 Elsie Couch 5688
 William H. Robinson 5692
 Rachel Washington 5693
 Isaiah B. Blackwood 5700
 John R. Johnson 5701
 Dennis W. Smith 5702
 William H. Chesnut 5705
 William H. Durham 5707
 Albert B. Buckmaster 5710
 Maud Crutchfield 5730
 Joseph S. Layne 5731
 Lena Bell 5737
 Juan N. Corn 5748
 Robert N. Crafton 5750
 Benjamin F. Coffee 5756
 Frank McSpadden 5760
 Charles D. Pendleton 5775
 Harden H. Green 5776
 Emma J. Ward 5778
 Robert C. Fuller 5781
 Henry F. Extine 5796
 Ida Wyly 5802
 Richard L. Fite 5815
 Edward Lutz 5816
 John F. Woodworth 5829

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|-----------------------|------|-----------------------|------|
| Horace H. Huddleston | 5832 | George C. Duffield | 6031 |
| William R. Sartain | 5837 | Amelia Reese | 6033 |
| Joseph A. Lawrence | 5843 | Alexander West | 6036 |
| William H. Hinton | 5846 | John Tootle | 6037 |
| Joseph Lehr | 5851 | Florence G. Langley | 6038 |
| Edin M. Young | 5852 | John T. Ham | 6042 |
| Mary C. Barnes | 5853 | Mary L. Jordan | 6048 |
| Matilda Thompson | 5861 | John W. Bradshaw | 6076 |
| William W. Young | 5872 | James L. Dean | 6079 |
| Earley F. Ellis | 5874 | Amanda J. Thompson | 6082 |
| Rosa B. Alberty | 5877 | Malissa Hubbard | 6089 |
| Sarah Cannon | 5879 | Jane Benge | 6111 |
| Mamie Beck | 5887 | John D. Ryals | 6113 |
| Jack H. Merchant | 5888 | John C. DeLozier | 6117 |
| John D. Merchant | 5889 | Jessie Willis | 6118 |
| Sarah E. Ghormley | 5894 | Mary A. Clark | 6124 |
| Jerry Young | 5906 | Mary J. Tipton | 6126 |
| James H. Brickley | 5916 | Leander Newton | 6136 |
| Mary Hicks | 5919 | William A. Qualls | 6138 |
| George W. Weems | 5922 | Henderson B. Thomas | 6144 |
| Albert Crain | 5923 | Hugh T. Watkins | 6163 |
| James M. Jones | 5932 | Nancy Keys | 6172 |
| Alfred W. Shelly | 5935 | Berry Hutchins | 6186 |
| John M. Stratton | 5936 | Eli Parker | 6189 |
| Waddie Hudson | 5937 | Sarah E. Shaw | 6194 |
| Robert C. Johnson | 5939 | Julia Keys | 6211 |
| Mary T. Thompson | 5941 | Boon J. Grey | 6214 |
| Edith A. Parris | 5943 | John Grubb | 6216 |
| Addie Hubbard | 5949 | William M. Costephens | 6230 |
| John A. Lowry | 5962 | Jane Bean | 6232 |
| John R. W. Brantley | 5963 | Lillie I. Taylor | 6236 |
| James T. Carroll | 5964 | Abbie B. Adair | 6239 |
| Christopher F. Jordan | 5965 | Mack C. Watkins | 6246 |
| Minerva E. Stover | 5966 | Robert W. Murray | 6261 |
| John W. Twilley | 5967 | John G. Petty | 6269 |
| Joseph W. Mounce | 5970 | Lucinda Poorboy | 6279 |
| Cornelius P. Potter | 5971 | Sarah Mayes | 6286 |
| Amanda C. Thompson | 5972 | Henry W. Pyeatt | 6300 |
| John M. Rusk | 5976 | Isaac A. Wilson | 6308 |
| Harrison L. Hughes | 5978 | John T. Hall | 6310 |
| Silas B. Dildine | 5983 | Edward L. King | 6315 |
| Lewis M. Payne | 5985 | Katie Still | 6325 |
| Nancy Beamer | 5988 | Emmer Carlile | 6338 |
| Sarah F. Selvidge | 6002 | Bird Webster | 6347 |
| Posy F. Buckner | 6005 | Fannie Morris | 6353 |
| John A. Moreland | 6010 | Leonard Lee | 6357 |
| Alice Welch | 6015 | James R. Miller | 6362 |
| Mary C. Thompson | 6022 | James Brackett | 6370 |
| Ida Beck | 6029 | Nora Allen | 6371 |
| William R. Tittle | 6030 | John T. Washington | 6373 |

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|------------------------|------|---------------------|------|
| James J. Snider | 6375 | James L. Lee | 6717 |
| William H. Winget | 6376 | Rosa Phillips | 6723 |
| Ida R. Wilkerson | 6383 | Kate Brown | 6735 |
| George A. McBride | 6385 | Laura B. Barnett | 6743 |
| Matilda Cookson | 6387 | Elizabeth Sanders | 6745 |
| William A. Fisk | 6392 | William T. Neff | 6747 |
| William O. Ames | 6394 | William R. Scott | 6751 |
| Thomas Wilkerson | 6396 | Laura Fish | 6770 |
| Alice C. Springston | 6407 | Maggie Ketcher | 6779 |
| Fanny N. Witt | 6413 | Dora A. McDonald | 6783 |
| Lillie M. Adair | 6424 | Rosia B. Willis | 6785 |
| Mark F. Matheson | 6428 | Daniel Hubbard | 6787 |
| Ida L. Wilson | 6431 | Mary R. Tadpole | 6801 |
| George E. Marrs | 6441 | Magnus A. McSpadden | 6811 |
| Ulysses S. Reeves | 6443 | Sarah F. Pathkiller | 6824 |
| Daniel A. Smith | 6447 | Clora Twist | 6845 |
| Henry J. Dawson | 6450 | Mattie M. Welch | 6846 |
| Sarah Adair | 6452 | Cora Griffin | 6850 |
| Ida F. Wilson | 6455 | John S. Hyatt | 6853 |
| Mary E. Taylor | 6459 | Jefferson K. Tyner | 6855 |
| Catherine Henson | 6468 | Flora R. Miller | 6859 |
| Charles C. Fitzsimmons | 6471 | Lizzie Craig | 6872 |
| Mary E. Campbell | 6476 | Jacob C. Johnson | 6876 |
| Columbus N. Long | 6478 | George W. Ware | 6897 |
| Mary Wilkerson | 6480 | James B. Deatherage | 6901 |
| Myrtle Ward | 6484 | Lucinda F. Hartness | 6943 |
| Belle Manus | 6499 | Frances E. Tehee | 6961 |
| Martha E. McLain | 6508 | James M. Burt | 6965 |
| Mary A. Brown | 6517 | Rady Tipton | 6975 |
| Marion M. Ballew | 6530 | Laura Hendricks | 6976 |
| Mellie Mayfield | 6540 | Laura V. Smith | 6979 |
| Sarah Blevins | 6541 | Lorenzo C. Darnell | 6988 |
| Frank Powell | 6542 | Robert M. Mitchell | 7004 |
| Georgia Jackson | 6546 | William Henry Reeve | 7005 |
| Leonard S. Simpson | 6549 | James Pyle | 7009 |
| Almira Usrey | 6560 | Willie Hilderbrand | 7015 |
| James McInerney | 6561 | Alice M. Roberson | 7031 |
| Fannie Carlile | 6578 | Charles Morris | 7043 |
| Sadie A. Mayfield | 6580 | Minerva J. Trent | 7051 |
| Silas A. Bryan | 6581 | John H. Keith | 7078 |
| William S. Martin | 6585 | Katie E. Ratley | 7080 |
| Emma J. Thompson | 6589 | Etta Patrick | 7081 |
| Lydia McDaniel | 6593 | Nannie Martin | 7090 |
| David W. Lamb | 6595 | Rosa B. Harris | 7094 |
| Gus R. Hart | 6603 | Samuel Brown | 7100 |
| Poca Phillips | 6632 | William H. Turner | 7101 |
| Lois E. Daniel | 6678 | Florence Mayes | 7104 |
| William W. Turner | 6689 | Maggie McCoy | 7112 |
| Lillie B. Blackstone | 6714 | Mary Belle Cordry | 7113 |
| Mary Lillard | 6715 | Benjamin Haner | 7119 |

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|-----------------------|------|----------------------|------|
| James Maher | 7128 | Robert B. Collins | 7556 |
| Terry A. Parkinson | 7146 | Nancy I. Brown | 7579 |
| Cora L. Hanks | 7147 | Mary B. Walkingstick | 7642 |
| Otto J. Zufall | 7149 | Robert T. Kelleam | 7653 |
| Rufus M. Norman | 7155 | Mollie Morton | 7797 |
| Mary F. Foreman | 7158 | Mattie Girty | 8006 |
| Alma West | 7159 | Mack Alfred | 8015 |
| James M. Connally | 7161 | Ida Harmon | 8016 |
| Francis M. Crowell | 7163 | Ida McCoy | 8417 |
| Fannie E. McClure | 7171 | Rosie Foreman | 8903 |
| Benjamin B. Graham | 7176 | Annie Jackson | 9034 |
| Ada Phariss | 7180 | Margaret T. Langley | 9092 |
| William L. Whisenhunt | 7184 | Ida M. Davis | 9266 |
| Frances B. Perry | 7191 | Nora Crapo | 9289 |
| Philip Shultz | 7210 | Margaret Harmon | 9378 |
| Hester A. Miller | 7212 | Mary B. Langley | 9438 |
| Minnie B. Edmonds | 7213 | Ella Gravitt | 9439 |
| Eliza Jordan | 7217 | William M. Wilson | 9444 |
| William T. Ross | 7218 | David O. Scott | 9446 |
| Thomas M. Price | 7225 | Harriett Forbes | 9447 |
| James G. Wilson | 7231 | John Carver | 9449 |
| Frank Rhomar | 7263 | Thomas J. Davis | 9451 |
| John W. Thompson | 7267 | Clara M. Boudinot | 9453 |
| Melissa Booth | 7271 | Mary E. Keys | 9454 |
| Solon L. Jackson | 7273 | John G. Ainsworth | 9456 |
| Henry W. Coughran | 7282 | Mary J. Christy | 9460 |
| Sarah Ross | 7291 | Malinda Seabolt | 9462 |
| Mary S. Smith | 7322 | Mary Cumpton | 9464 |
| John A. Martin | 7323 | Mollie P. Mulkey | 9465 |
| Myrtle Robinson | 7330 | Andrew Brimmer | 9467 |
| Allen L. Buckner | 7331 | James F. Flippin | 9471 |
| James L. Goad | 7350 | William Bird | 9473 |
| Elijah Johnson | 7351 | Mollie C. Forbes | 9476 |
| Mary E. Kimbrough | 7360 | William H. Thomason | 9478 |
| Jennie Burr | 7367 | Mollie Devine | 9481 |
| Kiasay Sapsucker | 7378 | Mary P. Guthrie | 9482 |
| Sarah J. Johnson | 7394 | Detlev N. Leerskov | 9484 |
| William I. Branan | 7409 | Nannie Cowart | 9485 |
| Wyatte T. Brady | 7412 | Leona Catcher | 9489 |
| Lena O. Holderman | 7413 | Alexander B. Clapp | 9502 |
| Mary F. Hummingbird | 7420 | Tennie Sanders | 9503 |
| Bertha A. Allen | 7425 | Virgil A. Wiltshire | 9505 |
| Robert J. Tyner | 7426 | Joshua K. Carr | 9510 |
| Fannie B. Martin | 7434 | Herbert Kneeland | 9518 |
| Myrtle Wolfe | 7435 | Hugh E. Hope | 9519 |
| Mary Blevins | 7479 | Thomas J. Ritter | 9522 |
| Sarah Ketcher | 7488 | Martha Baldrige | 9529 |
| Charles D. England | 7512 | James R. Poindexter | 9535 |
| May Cochran | 7544 | Maud Foreman | 9539 |
| Rebecca Oglesby | 7549 | Belle Bryant | 9542 |

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|------------------------|------|--------------------------|-------|
| Joseph P. Smith | 9550 | William G. Brown | 9870 |
| George E. Watkins | 9552 | John B. Delay | 9881 |
| Florence Henry | 9553 | Pairlee Thompson | 9882 |
| Jesse H. Johnson | 9560 | Guenther W. Werther | 9883 |
| Lydia B. Barger | 9561 | Margaret Crittenden | 9884 |
| Mary Jane Thomas | 9562 | Moses L. Morris | 9889 |
| James F. Petty | 9563 | Sarah L. Rogers | 9891 |
| Laura McCrary | 9566 | Stephen Duncan | 9892 |
| Joel D. Smith | 9568 | Gideon D. Sleeper | 9895 |
| William T. Cave | 9572 | William A. Maddin | 9896 |
| William Bugher | 9577 | John H. Horton | 9904 |
| James M. Smith | 9582 | Howe L. Rogers | 9905 |
| John E. Nazworthy | 9583 | William Rush | 9912 |
| Beverly L. Lafon | 9587 | George W. Edens | 9916 |
| Robert L. Gentry | 9590 | William H. Hall | 9920 |
| John C. Barker | 9591 | Edith B. Pheasant | 9935 |
| John P. Greenwood | 9593 | Carrie A. Collins | 9936 |
| Henry Hayes | 9596 | Lucinda Spriggs | 9937 |
| Ella Cornwell | 9598 | Ella F. Hail | 9939 |
| Asa A. Hedrick | 9599 | John W. Harris | 9949 |
| William C. M. Robinson | 9600 | Hannah Raper | 9942 |
| Woodrow Hadley | 9612 | John J. Coughran | 9945 |
| William T. Gregory | 9613 | Youra F. Waybourn | 9946 |
| Charles M. Keys | 9616 | Louisa J. Taylor | 9947 |
| Bate O. Reed | 9618 | William M. Evans | 9948 |
| Joseph E. Feland | 9623 | William F. Pierce | 9940 |
| Florence C. Smith | 9625 | May F. Chambers | 9950 |
| Charles M. Cox | 9630 | Albert Stevenson | 9954 |
| Otis S. Skidmore | 9634 | Henry Kiefer | 9955 |
| William H. Hundley | 9635 | Sarah Bean | 9956 |
| Thomas A. McDonald | 9636 | Zeno M. Cox | 9964 |
| Annie Sanders | 9638 | Jerusha E. Blair | 9965 |
| Mack H. Martin | 9640 | Elias Kyle | 9991 |
| Mary Ward | 9653 | Ida Cushman | 9992 |
| George Givens | 9658 | James W. Fleming | 9994 |
| Pheney Poorboy | 9660 | Samuel Holmes | 9995 |
| Charley Kiper | 9671 | Walter H. Talley | 9997 |
| Andrew J. Snider | 9672 | Hannah J. Miller | 9998 |
| William T. Barton | 9684 | Clara V. Ward | 10002 |
| Daniel Crail | 9770 | Stephen W. Pittsenberger | 10005 |
| Mary M. Motte | 9771 | Mary E. Palmour | 10008 |
| Lecia E. Herrin | 9854 | William T. Partin | 10011 |
| Gailen E. Carrick | 9855 | Nellie Fields | 10013 |
| Rosa B. Barger | 9857 | Sarah A. Dawes | 10015 |
| Rachel Foreman | 9858 | Willard E. Hutchins | 10016 |
| Serepta C. Willis | 9861 | Jesse Talbert | 10020 |
| Virgie Seabolt | 9864 | Julia E. Setser | 10021 |
| Annie Cannon | 9867 | Amanda E. Howell | 10022 |
| Isabella McCoy | 9874 | Mamie J. Rogers | 10023 |
| Robert E. Dry | 9875 | Nannie Rogers | 10024 |

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|-----------------------|-------|----------------------|-------|
| James B. Bradshaw | 10025 | Millie A. Carnes | 10113 |
| Ida L. White | 10026 | Lucy E. Robards | 10114 |
| Addie B. Miller | 10027 | Edward H. Fitzgerald | 10115 |
| William R. Condry | 10028 | John T. Pickard | 10117 |
| James D. Canary | 10029 | Charles Rains | 10118 |
| John Kelley | 10031 | Nancy Mayfield | 10123 |
| Kate Craig | 10033 | Anna B. Tittle | 10124 |
| John A. Butts | 10034 | Richard A. Clark | 10126 |
| John J. Dameron | 10035 | Emma B. Martin | 10128 |
| William Warner | 10036 | Walter L. Bates | 10129 |
| George A. Allen | 10037 | Nellie Brewer | 10130 |
| Watie Shetley | 10038 | William Heffernan | 10131 |
| John E. Carter | 10039 | Levi Ackley | 10132 |
| John M. Boyd | 10043 | Bessie Davis | 10133 |
| William Fister | 10047 | Eva Brackett | 10135 |
| Darius B. Troth | 10049 | Caleba Carnes | 10136 |
| Harry A. Kelley | 10050 | Jacksie M. Waybourn | 10138 |
| Mary E. Purcell | 10051 | Minnie Shutt | 10139 |
| Myron L. Bronson | 10052 | Charles L. McClure | 10140 |
| George W. Taylor | 10053 | William W. Russell | 10141 |
| Josie Lowther | 10054 | Delia Jenkins | 10142 |
| Fannie D. Perry | 10055 | John A. Hood | 10143 |
| Minnie B. Williams | 10056 | Oba Maxfield | 10145 |
| Solomon Copeland | 10058 | Mary L. Cloud | 10146 |
| Etha B. Wood | 10059 | Callie Inlow | 10147 |
| James Pace | 10060 | Everett M. Lowrence | 10148 |
| Wiley B. McElhancy | 10062 | Dora E. Hays | 10150 |
| Nancy Patrick | 10063 | Julia M. Schrimsher | 10151 |
| James R. Stout | 10072 | Parmelia E. Lyman | 10153 |
| George Parker | 10073 | Charles F. Trickey | 10161 |
| Laura Morton | 10074 | Louisa J. Palmour | 10169 |
| John D. Kelly | 10075 | George L. Walker | 10170 |
| Nettie Swift | 10078 | Annie Taylor | 10171 |
| Maggie Baldrige | 10079 | Josie Winters Hall | 10174 |
| David R. Stubblefield | 10080 | Alice Nichols | 10181 |
| Thomas J. C. Thompson | 10081 | Lizzie Dry | 10182 |
| Cora P. Harlan | 10082 | Emma Murray | 10183 |
| William L. Singleton | 10083 | Annie Winton | 10187 |
| Lester Evans | 10084 | Marian Evans | 10188 |
| Ellen Mayfield | 10085 | Elizabeth J. McClain | 10192 |
| Ella Bray | 10087 | Eliza J. Price | 10199 |
| David J. Matthews | 10094 | Rissie Still | 10200 |
| Thomas Brown | 10100 | Hannah E. Langley | 10201 |
| Houston J. Payne | 10103 | Alma Keith | 10203 |
| Malinda E. Scudder | 10104 | Flora A. Terrill | 10204 |
| Henry Odell | 10105 | Talesphora A. Pardee | 10205 |
| Fred Macy | 10107 | Samuel Shadix | 10206 |
| Mary Russell | 10108 | Mary E. Childers | 10207 |
| Thomas B. Brown | 10109 | Robert M. Hamilton | 10208 |
| Samuel L. Milligan | 10111 | Julia Billingslea | 10209 |

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|----------------------|-------|-----------------------|-------|
| Nannie Martin | 10210 | Joseph Reed | D 468 |
| Sarah A. Fields | 10214 | Adolphus J. Hallum | D 483 |
| Susie Henderson | 10216 | Alexander Walker | D 490 |
| Charles H. Rienhardt | 10218 | Albert J. High | D 491 |
| William H. Watkins | 10221 | America Matoy | D 501 |
| Frank M. Rucker | 10222 | Moses L. Grazier | D 503 |
| Henry C. Reed | 10224 | Myrtle Hall | D 509 |
| Laura B. Timberlake | 10226 | Wallace Thursday | D 544 |
| George A. Brown | 10228 | Thomas W. Baker | D 546 |
| Drucilla Lowrey | 10232 | Mattie E. Keys | D 550 |
| Almira Mouse | D 9 | William S. Edwards | D 560 |
| Lenora Prather | D 16 | Susan L. Reed | D 572 |
| Andrew M. Cooter | D 17 | William H. Lyman | D 574 |
| Martin L. Stokes | D 28 | Gracia Davis | D 577 |
| Peter Walters | D 44 | Edward C. Bolen | D 582 |
| Columbus M. Reeves | D 58 | Dora Guthrie | D 585 |
| Sarah Barnes | D 103 | Samuel H. Hawkins | D 594 |
| George T. Kiddy | D 108 | Lula M. Purcell | D 600 |
| Henry C. Agent | D 139 | Ben Estes | D 603 |
| Joseph Phipps | D 147 | Thomas M. Reynolds | D 621 |
| Henry Hilton | D 149 | Arthur Dodge | D 622 |
| David A. McGlamery | D 161 | Carrie L. McNair | D 624 |
| Maggie Doublehead | D 169 | Constantine N. Walker | D 641 |
| Annie Lovett | D 180 | Joseph Davis | D 648 |
| Nora Hood | D 184 | Leander A. Keys | D 650 |
| John A. Johnson | D 232 | James J. Barndollar | D 655 |
| Nathaniel G. Simpson | D 242 | Nathan J. Brink | D 682 |
| Oncico W. Head | D 244 | William S. Miles | D 688 |
| Etta Taylor | D 245 | Emma Waybourn | D 698 |
| Susan V. Sullivan | D 262 | Dora E. Rogers | D 708 |
| Levi H. Tackett | D 263 | James W. Turley | D 709 |
| William H. Connelley | D 264 | Lizzie Ward | D 711 |
| Julia A. Sullivan | D 284 | Robert J. Holly | D 713 |
| May Fields | D 297 | Belle I. Quinton | D 728 |
| Katie Hummingbird | D 308 | Francis M. Boothe | D 734 |
| William F. Sager | D 320 | Amos W. Lord | D 746 |
| Lovick P. Garrison | D 334 | Agnes N. Childers | D 749 |
| Henry Grubb | D 338 | John E. Renfrow | D 752 |
| Lucy F. Lacey | D 340 | William Coon | D 759 |
| Callie Blevins | D 341 | Louis Bruere | D 779 |
| James S. Alfrey | D 355 | Georgia A. Waybourn | D 786 |
| Shadrack C. Wallen | D 368 | Eliza Fields | D 787 |
| Ada Hall | D 376 | William H. Brown | D 788 |
| Jane M. Hicks | D 396 | William A. Cox | D 793 |
| Fannie L. Dupree | D 403 | Charles A. Robison | D 799 |
| Willis Battles, Jr. | D 404 | Artha Williams | D 800 |
| Joshua W. Ellis | D 413 | Adam Gearhart | D 806 |
| Nina B. Owen | D 450 | Cicero F. Rogers | D 855 |
| John M. Ridenour | D 458 | Annie Garrett | D 856 |
| Emery S. Thompson | D 464 | George S. Yarborough | D 875 |

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|-----------------------|---|------|-----------------------|---|------|
| Rhoda A. Sanders | D | 878 | Ella Vann | D | 1320 |
| Manuel Spencer | D | 884 | Linnie Wofford | D | 1330 |
| Benjamin H. Hulbert | D | 891 | Minnie Downing | D | 1332 |
| Mary Brassfield | D | 935 | Katie Rider | D | 1334 |
| James L. Tindle | D | 944 | Samuel G. Mills | D | 1337 |
| Silas G. Reneckar | D | 966 | Alfred H. Woods | D | 1342 |
| Eliza Wofford | D | 967 | Cynthia Whitekiller | D | 1352 |
| Jasper L. Newton | D | 971 | Susie McSpadden | D | 1361 |
| John N. Guinn | D | 974 | Martha J. Houston | D | 1363 |
| Hannah Parson | D | 989 | Samuel M. Collier | D | 1367 |
| Nellie C. Helterbrand | D | 1003 | Katy Payne | D | 1369 |
| Thomas J. Welch, Jr. | D | 1006 | Joseph H. Warren | D | 1375 |
| Lizzie Christian | D | 1010 | Mattie Miller | D | 1433 |
| George Hazlewood | D | 1013 | S. F. Moore | D | 1434 |
| James M. Jones | D | 1022 | Addie Schrimsher | D | 1448 |
| Reuben A. Evans | D | 1032 | Fannie Vann | D | 1458 |
| Carrie H. Cobb | D | 1049 | Marcella Blakeney | D | 1474 |
| John M. Burns | D | 1069 | G. W. Williamson | D | 1555 |
| Sarah E. Henson | D | 1083 | C. F. Walker | D | 1558 |
| Laura D. Henson | D | 1086 | Louisa Blevins | D | 1567 |
| Hettie E. Downing | D | 1090 | Frank Cowles | D | 1581 |
| Benjamin F. Crain | D | 1099 | Mary Francis Maddling | D | 1637 |
| Benjamin Strickler | D | 1129 | Thomas Rodman | D | 1661 |
| Nancy Spaniard | D | 1130 | Katie Still | D | 1866 |
| Annie Wilson | D | 1131 | Ira Creach | D | 1913 |
| Ora H. Maxwell | D | 1135 | D. A. Mounts | D | 1967 |
| Reuben W. Moore | D | 1136 | J. C. Sefton | D | 1991 |
| Cora Childs | D | 1146 | Jennie Holland | D | 2024 |
| Janie Hughes | D | 1179 | Lou Sanders | D | 2216 |
| Francis B. Reid | D | 1180 | Caroline Barnes | D | 2591 |
| Martha Carey | D | 1195 | Lacey Crane | D | 2592 |
| Christina Johnson | D | 1199 | Daisy Cash | D | 2595 |
| Louvenia Ironside | D | 1208 | Hiram A. Landers | D | 2599 |
| Martha J. Henson | D | 1218 | Charles Neel | D | 2603 |
| David A. Martin | D | 1228 | Mattie Robinson | D | 2605 |
| Fred D. McEnery | D | 1235 | Jennie Rich | D | 2606 |
| Nathaniel R. Martin | D | 1261 | Alexander C. Russell | D | 2607 |
| James H. Requa | D | 1266 | Pricilla Ross | D | 2608 |
| Frank Carver | D | 1267 | Tom W. Reeves | D | 2609 |
| Etta B. Payne | D | 1270 | Mary Smart | D | 2612 |
| Mary Garrett | D | 1271 | Rufus Tidmore | D | 2613 |
| Joe W. Goodman | D | 1272 | Jasper Turquitt | D | 2614 |
| Mathew J. Flanigan | D | 1274 | Mabel West | D | 2618 |
| Lizzie C. Holland | D | 1285 | Ophelia West | D | 2619 |
| Etta Downing | D | 1291 | Cora Whisenhunt | D | 2620 |
| William Caywood | D | 1296 | Katy Martin | D | 2667 |
| Clarence W. Turner | D | 1307 | Willis Butler | D | 2686 |
| Alfred Chaney | D | 1313 | Claud Barger | D | 2687 |
| Euphemia Sweetwater | D | 1314 | Disie Conner | D | 2698 |
| Etta Russell | D | 1319 | John Culwell | D | 2699 |

| | | | | | |
|-----------------------|---|------|---------------------|---|------|
| Herbert F. Couch | D | 2700 | Samuel A. Parkhurst | D | 2821 |
| Albert C. Dykes | D | 2703 | Ellen Rogers | D | 2822 |
| Delora Drew | D | 2704 | Elijah Rolland | D | 2827 |
| Frank F. Danderson | D | 2705 | Endora Steele | D | 2828 |
| James Gafford | D | 2708 | William M. Stucker | D | 2829 |
| Anna L. Harlin | D | 2715 | Sallie Tauuneacie | D | 2831 |
| William R. Lipsey | D | 2717 | Mary Tassle | D | 2832 |
| Bertha Landrum | D | 2718 | John F. Wolf | D | 2835 |
| Lila More | D | 2722 | Ruth A. Ward | D | 2840 |
| John D. Mathews | D | 2723 | Winnie Daugherty | D | 2884 |
| Mary McIntosh | D | 2725 | Mary Guthrie | D | 2885 |
| Bertha Nidiffer | D | 2730 | Lydia Long | D | 2886 |
| Richard Nichols | D | 2781 | Edda Roberts | D | 2887 |
| William S. Ross | D | 2738 | Manda Ward | D | 2889 |
| Irene Riley | D | 2739 | Elmira J. Alberty | D | 2905 |
| William H. Rowley | D | 2740 | Thomas C. Cordray | D | 2906 |
| Colombus C. Scroggins | D | 2741 | Edward Fowler | D | 2907 |
| Della Summers | D | 2743 | Dora Foreman | D | 2908 |
| William S. Sage | D | 2744 | Parker Holt | D | 2909 |
| Eliza Thomas | D | 2748 | John Haston | D | 2910 |
| John P. Thurman | D | 2749 | Georgie Harlin | D | 2911 |
| Mary E. Davis | D | 2770 | Percillia Johnson | D | 2913 |
| Jessie Frick | D | 2774 | Bettie Morton | D | 2915 |
| Enna Buffington | D | 2788 | Samantha Spade | D | 2917 |
| Will Black | D | 2789 | Mariah Ward | D | 2918 |
| Maggie E. Davis | D | 2792 | Ellen Watt | D | 2919 |
| Thomas Dotts | D | 2793 | Nora Morten | D | 2920 |
| William Daws | D | 2794 | Lizzie Anderson | D | 2981 |
| Nancy Dawson | D | 2796 | Francis Duval | D | 2984 |
| Lena Fields | D | 2797 | Wade S. Hayes | D | 2987 |
| Effie Grayham | D | 2798 | James A. Hankins | D | 2988 |
| Alice C. Hill | D | 2799 | Joseph Hardee | D | 2991 |
| Bertha H. Harlin | D | 2800 | Tennie Horn | D | 2992 |
| Margrett C. Hudson | D | 2801 | Eveline Hall | D | 2993 |
| Joseph A. Kelley | D | 2803 | John E. Leftwich | D | 2995 |
| Andrew O. Kepler | D | 2804 | Mattie Henson | D | 2994 |
| Josephine King | D | 2805 | John D. Colvard | D | 2998 |
| Sarah Jane Birdsong | D | 2806 | Charles W. Phillips | D | 2999 |
| Marion Maddox | D | 2807 | Sarah Shanks | D | 3000 |
| John A. McKenzie | D | 2808 | Nettie Young | D | 3009 |
| Ione McGee | D | 2809 | Jerry P. Ables | D | 3048 |
| Ollie Miller | D | 2810 | Almedie Ross | D | 3052 |
| William A. Martin | D | 2811 | John S. J. Fowler | D | 3055 |
| Jesse P. Morrow | D | 2812 | Leaner Hood | D | 3056 |
| Oliver Mason | D | 2813 | James D. Jackson | D | 3057 |
| Edna Whitehead | D | 2814 | Emma G. Nelson | D | 3058 |
| Charley Nuckolls | D | 2815 | Alice Simco | D | 3059 |
| Etta M. Nidiffer | D | 2817 | George O. Wallace | D | 3060 |
| Louizer Ossowee | D | 2818 | Fannie Clay | D | 3078 |
| William H. Patterson | D | 2820 | Ellen Drew | D | 3079 |

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|--------------------|---|------|-------------------|---|-----|
| Lue Fish | D | 3081 | Della Baldrige | R | 105 |
| Horace Gray | D | 3082 | Samuel Richey | R | 107 |
| Lula Pack | D | 3083 | Malissa Fields | R | 144 |
| Lelia C. Harris | D | 3084 | Fred Zimmerman | R | 220 |
| Thomas Jones | D | 3086 | Ella Anspach | R | 241 |
| Benjamin Laws | D | 3088 | Michael R. Mizer | R | 266 |
| Martha Spade | D | 3092 | Belle A. Powell | R | 352 |
| Julian Wyrick | D | 3093 | Austin L. Hill | R | 420 |
| Samuel Harlan | D | 3157 | Mary L. Dudley | R | 439 |
| Lizzie Phariss | D | 3171 | Stephen Hazlett | R | 465 |
| Jack Michael | D | 3172 | Mary A. Payne | R | 484 |
| Sarah E. Davis | D | 3176 | Rebecca Benge | R | 563 |
| Grace Guthrie | D | 3181 | Sarah Wilson | R | 613 |
| Mary E. Thornton | D | 3183 | Dora Crane | R | 628 |
| Mamie Thompson | R | 4 | Andrew Sitrell | R | 642 |
| Jimmie G. Thompson | R | 5 | John Sitrell | R | 642 |
| William T. Kelly | R | 10 | Lillie May Wilson | R | 643 |
| Alice Tidwell | R | 19 | Ollie A. Barger | R | 656 |
| Rosenna McLaughlin | R | 41 | Ida Hawkins | R | 671 |
| Martha A. Perdue | R | 45 | Lizzie Davis | R | 761 |
| Gabriel L. Payne | R | 61 | Clara M. Emmons | R | 803 |

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

~~Cherokee~~
~~Cherokee~~

44

Muskogee, Indian Territory, March 14, 1907.

Peter Walters,

Westville, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

Commissioner.

LMC

Cherokee
5 et al.

Muskegee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

Cher 1027

Trans from Cher 053.

Cher 1027

Department of the Interior,
Commission to the Five Civilized Tribes,
Stillwell, I.T., July 23rd, 1900.

In the matter of the application of Ashley Norton for enrollment as a Cherokee citizen by intermarriage; being duly sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Ashley Norton.
- Q What is your age? A 43.
- Q Your post office? A Cherokee City, Ark.
- Q Where do you live? A Delaware district.
- Q You make your residence there? A Yes, sir.
- Q How long have you lived there? A Off and on for the last 12 or 15 years.
- Q How long was you on the last time? A The last time, I just came in there about a month or six weeks ago, I had been out at work.
- Q Where were you working? A In Joplin.
- Q Where were you born? A In Canada.
- Q How old were you when you came to the Cherokee Nation? A 22 years old.
- Q What year did you come to the Cherokee Nation? A In 1877.
- Q How long did you stay in the Cherokee Nation then? A I stayed there about 7 years, that is steady.
- Q That would be about 1884? A Yes, sir.
- Q Then where did you move? A I didn't move at all, I was merely out working.
- Q How long did you stay out? A I guess about 6 months then, and then I came back.
- Q How long did you stay then? A I stayed somewhere close on to a year, I don't remember, I wouldn't say very positive.
- Q Then where did you go? A I was out again working.
- Q When did you come back? A I can't say exactly when I did come back, I was out and in, I can't tell right exactly to the day.
- Q When did you come to the Cherokee Nation the last time? A I came here in June, I don't remember what day.
- Q What year? A This year.
- Q You came back in June, 1900? A Yes, sir.
- Q How long had you been living out, from 1885 up to this last time? A No, sir, I had been back since that.
- Q You say you came back in 1885; then how long did you stay? A I can't exactly say.
- Q When did you come back? A I can't say when I came back, I wasn't paying any attention to it.
- Q But the last time you came in here was in 1900? A Yes, sir.
- Q Have you been here ever since June, 1900? A Yes, sir.
- Q What do you make application for? A For myself and daughter, provided she didn't get on at Fairland.
- Q Are you a Cherokee by blood? A No, sir, white adopted.
- Q Are you married? A No, sir, I am not.
- Q Were you ever married? A Yes, sir.
- Q What was your wife's name when you married? A Nancy Beamer.
- Q Was she a Cherokee citizen? A Yes, sir.
- Q When did ~~she~~ you marry her? A In 1878.
- Q Have you any certificate of marriage? A Yes, sir.
- (On 1880 roll, page 456, No. 1197, Ashly Norton, Going Snake dist. On 1896 roll, page 583, No. 393, Ashley Norton, Delaware district.)
- Q When did your wife die? A I don't know exactly, somewhere about 17 years ago, either 16 or 17 years.
- Q What degree of blood did she claim? A 1/2.
- Q What district did she belong to? A Going Snake.
- Q Have you any children under 21 years of age and unmarried? A Yes, sir.
- Q Give their names and ages? A Cora Norton, she is in her 19th year, she will be 19 in April.

Ashley Norton - 3.

(On 1896 roll, page 511, No. 2276, Cora Norton, Delaware district.
On 1894 roll, page 440, No. 2113, Cora Norton, Delaware dist.)

Q Where does Cora Norton live? A On Cow Skin prairie at Gibson.

Q Is she living with you? A No, sir, with Mr. John Gibson at the Grove.

Q How long has she lived in the Territory? A All her life, never lived out.

Q When you came back to the Territory in 1900, last June, where did you come from? A I came from Mason City, Iowa.

Q How long did you live there? A I had only been there three or four days, on a visit.

Q Where did you go from to Mason City, Ia.? A Joplin, Mo.

Q How long did you live in Missouri? A I was there somewhere close onto a year.

Q Where did you go from to Missouri? A From the Nation.

Q What year did you go from the Nation in? A In 1898.

Q Do you know what month you went there? A No, sir.

Q Where did you live in 1898? A I was at Joplin, Mo.

Q How long did you live at Joplin? A Somewhere about a year.

Q You have never married since your wife died? A No, sir.

Q Did you vote while you were up at Joplin, Mo.? A No, sir.

Q Did you ever vote at any other place? A No, sir.

Mr. W. W. Hastings, representative of the Cherokee Nation: What place in the Cherokee Nation, Delaware district, is your home?

A Martins.

Q John Martin, who died recently? A Yes, sir, I live at the house with his widow.

Q Have you got a farm in the Delaware district? A No, sir.

Q You never owned one? A No, sir.

Q What occupation do you follow up there? A I am crippled up so I don't do anything now.

Q What did you do? A I never done any work in Delaware, I used to run a shop in Going Snake.

Q What kind of a shop? A A Furniture shop.

Q When did you do that? A About 13 years ago.

Q Haven't done any work in there since? A No, sir, I put a shop by Pink Chandlers on Feagin branch.

Q How long did you run that? A Somewhere about a year or ever.

Q When did you quit? A I can't say just when.

Q What have you been doing since that? A Been working at one thing or another, selling medicine mostly.

Q Where have you been selling medicine mostly? A Through the Nation.

Q How long have you been selling medicine through the Cherokee Nation? A Somewhere about 10 or 12 years off and on.

Q What kind of medicine, some patent medicine? A Some medicine I put up myself, known as the King of Pain.

Q Any of these parties from up in that section of country know you?

A Yes, sir, there is some of them here if I can see them, Mr. Truman knows me.

J. O. Trueman being duly sworn, testified as follows:

Mr. Hastings: What is your name? A J. O. Trueman.

Q What is your post office? A Cherokee City.

Q Do you live in Delaware district, Cherokee Nation? A Yes, sir.

Q You are a citizen by adoption? A Yes, sir.

Q Do you know this applicant here, Ashley Norton? A Yes, sir, I know of him.

Q How long have you lived in the neighborhood in which you now reside? A Been living there about 7 years.

Q How long have you known this applicant, Ashley Norton? A I

Ashley Norton - 3.

have known of him for several years.

Q How long have you known him personally? A For four years I guess.

Q How long has he been there in that neighborhood? A I don't know, he has been off and on there for several years, sometimes he would be gone a year or two and sometimes be back.

Q Did you know of him doing any work up in that neighborhood?

A He had been running a soldering outfit.

Q Do you know where he makes his home? A No, sir.

Q Do you know where he has been for the last two or three years?

A He has been there off and on for the last two or three years.

Q Do you know whether he is married now or not? A If he is I never heard of it.

Commissioner Needles: Q Did you know his wife? A No, sir, I wasn't acquainted with her.

Mr. Hastings: Do you know where he has been out in the States?

A No, sir, I don't, the last I heard of him he was up at Sioux City, a month or two ago, he went up to Joplin Missouri in the fall.

Q When did he return down there in that neighborhood? A I think about three weeks ago, as near as I can tell, I will not be positive, that is near the time.

Ashley Norton, recalled, testified:

Commissioner Needles: You say you were married in 1878? A Yes, sir.

Q When did your wife die? A She has been dead 16 or 17 years.

Q That would be about 1883? A Yes, sir, I think so.

Q Did you live with her till her death? A Yes, sir.

Q Where? A ~~in the Snake district~~ In Going Snake district.

Q Did you keep house? A Yes, sir.

Q What did you do with her child after she died? A She stayed with her uncle for quite a while, and after that I sent her to the seminary for a good long while, and she stayed a while at Mr. Martin's.

Q He is now living with Mr. Gibson? A Yes, sir.

Q How long has she been with her? A Been with him now about two years.

Mr. Hastings: Did you go to Westville to enroll the other day?

A Yes, sir, I had number 378.

Q When did you quit selling medicine? A I haven't quit yet.

Q You sell medicine through the Cherokee Nation now and then?

A Yes, sir.

Q You have quit your furniture business and soldering business?

A No, sir, I haven't quit the soldering business, and I mend furniture occasionally.

Q What were you doing at Joplin, Mo.

A I was working at carpentry work.

Q How long were you there? A Somewhere about a year.

Q Had you been to Joplin prior to that time to work? A No, sir.

Q Where outside of the Cherokee Nation have you worked before?

A I haven't worked any place except Joplin and Galena.

Q How long were you at Galena? A About 2 months and a little over.

Q You were outside a year at Joplin and about two months at Galena. Ever since you have married you have lived in the Cherokee Nation?

A I have been out and in the Cherokee Nation.

Q Where else have you been outside? A I have been in Oklahoma and Arkansas selling medicine.

Q How long were you in Oklahoma? A Two or three months at one time and a couple of months again, I have been out there two or three times.

Q How long were you out in Arkansas? A I don't know exactly, but probably a month or two, I didn't keep any track of it, I didn't pay any attention to it.

Ashley Norton - 4.

any attention to it.

Mr. J. O. Trueman, recalled, testified:

Mr. Hastings- How far did you live from John Martin's place? A 4 miles.

Q How often in the last four years have you seen the applicant in your neighborhood? A I can't tell how often, he was traveling all the time, he was a traveling man, I don't recollect that I met him on the road more than once or twice.

Q Do you know whether he lived in the neighborhood or not? A I never seen him at Martins.

Q In the neighborhood, do you know that he lived in the neighborhood for the last four or five years or not? A No, sir, he was there off and on, but where he made his headquarters I don't know.

Q Did you know of his being around in the neighborhood selling medicine and being there anywhere? A He was there once in a while selling medicine, I would hear about him passing through the country, but as to living there I don't know whether he lived there or not.

Ashley Norton, recalled, testified:

Commissioner Needles: Mr. Norton, is Mr. Gibson, with whom your daughter lives, any relation to her? A No, sir.

Q Is she there hired out? A She is working for her board and clothes.

Mr. Hastings: How long since you saw her? A Something over a year.

Commissioner Needles: How old was she when your wife died? A 2 years old.

Q Who took her? A She stayed with her uncle, my wife's brother, first.

Q How long did she stay there? A She was with her I expect three or four years.

Q Did you do anything towards her support? A Yes, sir, I bought her clothes.

Q Then where did the child go? A She went to John Martin's and stayed there a while.

Q Is he any relative of hers? A His wife is a connection of my wife.

Q Did John Martin hire her? A No, sir, she was merely staying there going to school.

Q How long was she there? A About 2 years.

Q And then where did she go? A She went then to her uncle's again and stayed there a while.

Q Did you maintain her all this time? A Yes, sir, I furnished her clothes.

Q She worked for her board? A Yes, sir.

Q Are you furnishing her her clothes now? A No, sir, I am not.

Q She is working now for her board and clothes? A Yes, sir.

Q You had no home to take her to? A No, sir; I had a place for her but they put her up against me and bound she should stay there and I let her stay there.

The name of Ashley Norton appearing upon the authenticated roll of 1880 and also upon the Census roll of 1896, which is conclusive evidence of his citizenship at that time, the Commission not being satisfied from the testimony as to his residence, will suspend judgment as to his case, and his name will be placed upon a doubtful card.

His daughter, Cora Norton, whose name appears upon the Census roll of 1896 and also upon the pay-roll of 1894, she being 19 years of age, is a year over her legal majority, and she will be required to appear in person as to her enrollment, and the application of Ashley Norton for her enrollment will not be considered.

Mr. Norton will be permitted to present any further testimony either oral or documentary as to his residence, and can file the same

Ashley Norton - 4.

any attention to it.

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Q Do you know whether he lived in the neighborhood or not? A I never seen him at Martins.

Q In the neighborhood, do you know that he lived in the neighborhood for the last four or five years or not? A No, sir, he was there off and on, but where he made his headquarters I don't know.

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Q Is he any relative of hers? A His wife is a connection of my wife.

Q Did John Martin hire her? A No, sir, she was merely staying there going to school.

Q How long was she there? A About 2 years.

Q And then where did she go? A She went then to her uncle's again and stayed there a while.

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Q She worked for her board? A Yes, sir.

Q Are you furnishing her her clothes now? A No, sir, I am not.

Q She is working now for her board and clothes? A Yes, sir.

Q You had no home to take her to? A No, sir; I had a place for her but they put her up against me and bound she should stay there and I let her stay there.

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Mr. Norton will be permitted to present any further testimony either oral or documentary as to his residence, and can file the same

Ashley Horton - 5.

with the Commission at any time. When the Commission gives final judgment as to his case, whether rejected or admitted, he will be notified or the same in writing, the latter being addressed to his present post office.

— o —

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 23rd day of July, 1900.

Clifton A. McKinnis
Commissioner.

2-1053
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 25 1900

RECEIVED - B.

DEPARTMENT OF THE ARMY
COMMISSIONED ENGINEER

PUBLIC

OFFICE

CHEROKEES BY BLOOD AND ADOPTION.

13
 Name *Ashley Norton* Date *July 23* 1900.
Cherokee City Ark.
 District *Y. Snake* Year *1880* Page *456* No. *1197*

Citizen by blood Mother's citizenship *U.S.*

Intermarried citizen *Yes*

Married under what law

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Pora Norton Dist. *Delaware* Year *1896* Page *54* No. *2276* Age *19*

| | | | | |
|-------|------|------|-----|-----|
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
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| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |

Certificate of marriage filed

SUPPLEMENTAL TESTIMONY:

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE TERRITORIES.
WASHINGTON, D.C., DECEMBER 3rd, 1900.

IN THE MATTER OF AN APPLICATION OF Ashley Norton, Card B. 53.
Mary M. Still, being sworn and examined by Commissioner, T. B.

Needles, testified as follows:

Q What is your name? A Mary M. Still.

Q What is your age? A Fifty eight.

Q What is your Postoffice address? A Siloam Springs, Arkansas.

Q How long have you known Ashley Norton?

A Sixteen or eighteen years.

Q Has he always made his home here in the Cherokee Nation?

A Yes sir, as far as I know.

Q Is John Martin living? A He is dead.

Q Is his wife living? A Yes sir.

Interrogatories by Mr. W. M. Hastings, Cherokee Expressive:

Q How far do you live from John Martin? A About three miles.

Q How much of that time has Ashley Norton been in the neighborhood of John Martin's? A I can not tell you.

Q He has been away quite a good while, has he not?

A He has been away some.

Q Do you know whether he has had any improvements or anything down there? If he had any improvements there, I did not know it.

Q Did he have any effects there? A No sir.

Q He was a tinker? A Yes sir.

Q Do you swear positively that you have seen him or heard of him for the past sixteen years continuously, or seen him living around there in the neighborhood? A No sir, I can not swear positively.

Q About how long has he been out of there to the best of your knowledge any one time? A I can not say just how long: I have seen him around there: I do not suppose it would be a year at a time.

Q Where has he been in the last two or three years? A I do not know.

Q Has he not been in the neighborhood of Galena, Kansas for the last two or three years, where it is Gunder? I never saw him: I do not know.

Q Before last Fall, when was the last time you saw him?

A I do not know.

Q Where was he? A I guess it was down.

Q All during that time, you do not know where he was?

A No sir, I do not know where he was out of my sight: I never saw him.

Q Do you know through the neighborhood from general reputation where he was? A No sir.

Mary M. Still, being sworn and examined by Commissioner, T. B.

Needles, testified as follows:

Q What is your name? A Mary M. Still.

Q What is your age? A Fifty seven.

Q What is your Postoffice? A Siloam Springs.

Q How long have you known Ashley Norton here? A About sixteen years.

Interrogatories by Cherokee Expressive, Mr. W. M. Hastings:

Q How long have you known Ashley Norton here? A About sixteen years.

A long time, I guess sir, a good while. I ain't got no education or anything that way.

Q Well, has he been down here, or has he been all the time?

A No sir, I don't know where he is: I don't know where he is: I can not say whether he is down here or two years: I don't know.

Q What was his trade? A He was a tinker, I know.

Q Did he ever sell anything? A Yes sir, he sold things.

Q He could make a roll? A Yes sir, he could make a roll.

Q Well, I am a tinker.

Q How long had it been before that since you had seen him? You had not seen him for three years, had you? A I do not know as I had or not.

Q You do not remember to have seen him for the past three years before that time, do you? A I do not know: I saw him of and on, but I do not recollect whether it has been that long or not.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of December, 1900.



COMMISSIONER.

103
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
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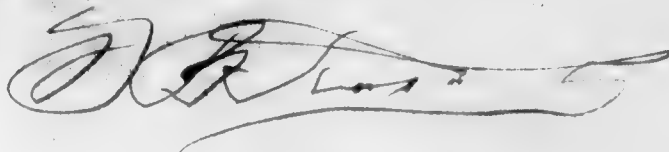
 ACTING CHAIRMAN

Supl.-C.D.#53.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of ASHLEY NORTON
as a citizen of the Cherokee Nation.

Commissioner: Applicant was notified by registered letter
January 31, 1902, that his case would be taken up by the Com-
mission for final consideration on the 17th day of February,
1902, and that he would on said date be given an opportunity
to introduce any additional testimony affecting his case. He has
been called three times and fails to respond either in person
or by attorney and the case is closed.



Commissioner.

JO.R

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 25, 1902.

In the matter of the application of Ashley Norton, for the enrollment of himself as a citizen of the Cherokee Nation:

Appearances:

Applicant present in person;
W W Hastings, for the Cherokee Nation.

Applicant was notified by registered letter on January 31, 1902, that his case would be taken up by the Commission for final consideration on the 17th day of February, 1902. The case was called on said day, and applicant failed to appear either in person or by attorney, and the case was ordered closed, and reported to the Commission for final decision upon the evidence filed.

Applicant this day appears before the Commission, and by agreement with the representative of the Cherokee Nation present, his case is re-opened for the taking of further testimony in the matter of the application of Ashley Norton.

ASHLEY NORTON, being sworn and examined testified as follows:

Examined by Mr. Hastings:

- Q What is your name ? A Ashley Norton.
Q How old are you ? A I am 44.
Q What is your post office address ? A Cherokee City, Arkansas.
Q Is there any additional statement you desire to make relative to your enrollment ?
A I have got the affidavits of my witnesses; if that aint no good I can't get the witnesses here, there's no use in talking. I am in no shape to get them here.
Q You agreed to have this case re-opened for the taking of further testimony ? A Yes sir.
Q You are the man that married Nancy Beaman ? A Yes sir.
Q How far do you live from Siloam Springs ?
A About a mile and a half.
Q Do you know a white woman named Polly Allen ?
A I do.
Q Did you ever live with her as your wife ? A No sir I never did.
Q Never lived in the same house with her ?
A My father married her mother; and we all lived in the same house together.
Q Did Polly Allen ever have a child ? A No sir.
Q Did she ever have a child by you ?
A Not that I know of.
Q Where did you go when you quit them ?
A I went trapping down the Arkansas river.
Q Didn't you go to Oklahoma ? A No sir.
Q How old was Polly Allen when you were living with your father and his wife, and she was living there ? A I don't know.
Q Was she grown ? A Yes sir, about grown.

Mr. Hastings: Comes now the representative of the Cherokee Nation and asks that this case be continued upon the ground that some newly discovered testimony has only reached us this morning to this effect: that this man who is an adopted citizen, since the death of his wife, lived with a white woman by whom he has a child, and that if a continuance is granted this testimony can be gotten.

The Commission: The request of the Cherokee Nation will be complied with and this case continued until the 19th day of March, 1902.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this February 26, 1902.

[Signature]

Commissioner.

2053

Continued.

Subscribed and sworn to before me this 10th day of 1903.

14

Notary Public.

The above and foregoing is true and correct to the best of my knowledge and belief, and I am duly sworn to the truth of the foregoing.

Notary Public.

do hereby certify that the foregoing is true and correct to the best of my knowledge and belief, and I am duly sworn to the truth of the foregoing.

R

Cherokee D 53.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL PROCEEDINGS, in the matter of the application of
Ashley Norton for the enrollment of himself as a Cherokee citizen.

Appearances:

N.A.Gibson, Muskogee, I. T., attorney for the applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The case continued from February 25, 1902, until
March 19th, 1902, at the request of the representative of the
Cherokee nation.

BY COMMISSION: The applicant this day, to-wit: 19th day of
March, 1902, appears by his attorney, N.A.Gibson, Cherokee
Nation appears by its attorney, W.W.Hastings.

The attorney for the applicant and the representative
of the Cherokee Nation submit the case, and same is deemed
completed and will be reported to the Commission for final
decision based upon the evidence now of record.

I, M.D.Green, do hereby certify that as stenographer to the Com-
mission to the Five Civilized Tribes I correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of my stenographic notes thereof.

M.D.Green

01259

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 31 1902



ARTHUR C. BENSON

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,

Muskogee Indian Territory, June 3rd 1902.

In the matter of the application of Ashley Norton for enrollment as a
citizen of the Cherokee Nation by Intermarriage.

Cherokee D 53.

To the Honorable Commission to the Five Civilized Tribes,
Muskogee I. T.

Gentlemen,-

You are respectfully advised that the representative of the
Cherokee Nation has been repeatedly informed by Albert Gass whose post
office address is Talala I. T. that the applicant Ashley Norton who is
listed for enrollment on Cherokee Doubtful card No. D 53 has since the
death of his wife been living with a white woman as his wife in violation
of section 666 of the compiled laws of the Cherokee Nation; that he had a
child by his second wife.

For the above reasons the Commission is respectfully asked to reopen
the above case and to summons the said Albert Gass to appear before the
Commission to give testimony in the above case. In the event that this
motion is not sustained by the Commission it is desired that it be consid-
ered a protest on part of the Cherokee Nation against the judgment of the
Commission rendered in this case on May 20th 1902 and that the same be for-
warded to the Honorable Secretary of the Interior for review.

The above statement has been made to the representative of the Chero-
kee Nation by Albert Gass a number of times in letters and it was thought
that his testimony was heretofore taken until after the decision was
rendered by the Commission on May 20th 1902, when it was found upon exam-
ination that the testimony of the said Albert Gass had not been taken.

Respectfully submitted,

W. C. G. & Co.
Attorney for the Cherokee Nation.

R
Cher. D-53.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 20, 1902.

In the matter of the application of ASHLEY NORTON, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Appearances:

Cherokee Nation appears by J. C. Starr;
No appearance for applicant, nor his attorney.

The Commission: It appears from the record in this case that on May 20, 1902, the Commission rendered a decision granting the application of Ashley Norton, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

On June 3, 1902, the Cherokee Nation by its representative, filed a motion to re-open the cause, alleging that Ashley Norton has, since the death of his wife, been living with a white woman, in violation of Section 666 of the Compiled Laws of the Cherokee Nation; and, on the 26th day of July, 1902, it was ordered by the Commission, that the motion to re-open this cause be allowed, and that the decision of the Commission theretofore rendered be set aside and held for naught; and it was further ordered that this cause be set down for hearing on the 20th day of August, 1902, at the office of the Commission, at Muskogee, Indian Territory.

On the same day, to-wit: July 26, 1902, applicant's attorney, N. A. Gibson, Muskogee, Indian Territory, was furnished with a copy of the said order; and the applicant was also, on said date, notified that, on the 20th day of August, 1902, at the office of the Commission, at Muskogee, Indian Territory, the Cherokee Nation proposed to introduce testimony tending to disprove his right to enrollment as a citizen by intermarriage of the Cherokee Nation.

ALBERT GASS, being called as a witness, and duly sworn and examined, testified as follows:

Examined by J. C. STARR:

- Q What is your name? A Albert Gass.
Q What is your age? A Sixty-one.
Q What is your post office address? A Inola, I. T.
Q Are you acquainted with Ashley Norton, the applicant in this case?
A Yes sir.
Q How long have you known him?
A I have known Ashley Norton near twenty five years.
Q Do you know how many times he has been married?
A Twice to my knowing. Well, I have got his word for it, I never seen him married.
Q What was the citizenship of his first wife?
A Full blooded Cherokee girl.
Q Did she die? A Yes sir.
Q Did he marry again? A Yes sir, he married a white girl in Siloam Springs, by the name of Polly Allen.
Q How long did he live with her? A About three years.
Q Do you know where he secured his license.
A I understood from his father that he went to Bentonville, Arkansas.
Q In what year were they married? A It was in 1891 or 1892, I think that he married; I wouldn't be positive. It was before the strip payment about two years.
Q Where were they married? A At Siloam Springs. Right where she was living.

Cher D-53 --2.

Q How long did they continue to live together as husband and wife?
A About three or four years. He lived with her long enough to leave a child.

By the Commission:

Q Do you know Polly Allen, yourself? A Yes sir, I have known her ever since she was a little girl.
Q What was the citizenship of her parents?
A They were citizens of Arkansas.
Q Did she live at Siloam Springs when they were married?
A Yes sir.
Q Did she ever live in the Cherokee Nation?
A Not that I know of; if she was ever here it was for a short time.
Q Do you know of your own knowledge that they were never recognized as citizens of the Cherokee Nation? A No sir, they never were. I lived by them for thirty years.
Q Were they recognized in the community as white persons?
A Yes sir.
Q Do you know whether the applicant and Polly were living together at this time? A No sir, I saw her and her child a year ago and talked with her, and she said she knowed nothing about Ashley.
Q How long since you saw him?
A I haven't saw him since the strip payment. I was at Siloam Springs at a celebration and saw him.
Q How far do you live from Siloam Springs now?
A About ninety five miles, I guess. I live up at Inola now.

The Commission: The Cherokee Nation, by its representative, requests fifteen days from the date hereof, in which to introduce further testimony as to the citizenship of the said Ashley Norton; and also to procure, if possible, the original or a certified copy of the marriage license authorizing applicant's marriage to the said Polly Allen.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this August 22, 1902.

Philip G. Reuter.

(Seal)

Notary Public.

Wm. Hutchinson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing, and that same is a true and complete copy of the original transcript in this case.

Subscribed and sworn to before me this 17th day of March, 1903.

William Hutchinson

Richard H. Herring

Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 20th, 1902.

In the matter of the application of Ashley Norton for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-53.

Appearances:

Ed Hastain for the Applicant.
J. C. Starr for Cherokee Nation.

ASHLEY NORTON, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Norton; Ashley Norton.
Q. How old are you? A. 51.
Q. What is your post office? A. Cherokee City, Arkansas.
Q. Are you a white man? A. Yes, sir.
Q. Does your name appear upon the roll of 1880 as an intermarried white? A. Yes, sir.
Q. What was your wife's name in 1880? A. Nancy Beaver was her maiden name.
Q. Nancy Norton was her name in 1880? A. Yes, sir.
Q. When were you married to her? A. '78.
Q. Is she the wife through whom you claim citizenship?
A. Yes, sir.
Q. Was she on the roll of 1880 with you? A. Yes, sir.
Q. Is she living? A. No, sir.
Q. When did she die? A. Died about 17 years ago.
Q. Did you live with her in the Cherokee Nation from 1880 up until the time of her death? A. Yes, sir.
Q. Never was separated? A. No, sir.
Q. Have you married since the death of your wife Nancy? A. No, sir; I have not.
Q. Have you been living in the Cherokee Nation since 1880?
A. I have been travelling. I lived in the Nation. I made my home in the Nation. Part of the time I was there and part of the time I wasn't.
Q. When did you go out of the nation the first time after 1880?
A. I don't know exactly. I went to Seneca.
Q. I am asking when? A. I don't know. I didn't pay any attention.
Q. Well, was it 5 years ago or 15 years? A. About 15 years ago.
Q. Where did you go? A. Went to Seneca.
Q. Where is Seneca? A. Seneca is in Missouri.
Q. How long did you stay there? A. Stayed there 6 or 7 months.
Q. What were you doing there? A. Making chairs.
Q. Did you vote while you were in Missouri? A. No, sir; I didn't.
Q. Then where did you go? A. I come back to the Nation.
Q. How long did you live in the Nation? A. A year or two.
Q. Then where did you go? A. In the states.
Q. What were you doing? A. Travelling, selling medicine.
Q. Did you have a home here? A. I made my home yere; yes, sir.
Q. Did you have a house? A. No, sir; I made my home with another family. With my daughter, and I lived with my brother-in-law a while; then I went to another brother-in-law and lived with him.
Q. You were living in the Cherokee Nation? A. In the Cherokee Nation. Sometimes I made my home at John Martin's.

Q. Where does John Martin live? A. He was living in Delaware district. He is dead.

Q. Was he a citizen of the Cherokee Nation? A. Yes, sir.

Q. Where were you in 1898? A. I was here in the Nation.

Q. Where were you on the 28th day of June? A. I guess I was here in the Nation.

Q. You guess; don't you know? A. I never kept any track.

Q. Your home has been in the Cherokee Nation ever since 1880?

A. Yes, sir.

Q. You have never voted outside? A. No, sir.

Q. Never voted in Missouri? A. No, sir.

Q. Never voted in the Nation? A. Oh, yes; I voted in the Nation.

Q. You say you have never married since the death of your wife?

A. No, sir.

Q. Never lived with anybody? A. No, sir.

Examination by Mr. Starr.

Q. Have you ever had a home in the Cherokee Nation since 1880?

A. I made my home in the Cherokee Nation ever since I was married.

Q. Where was your home? A. My home has been for the last 15 years at John Martin's, in the Martin family; John is dead.

Q. You never had a home of your own? A. I did. My father and me together, in his lifetime. We put up two shops. We lived there about a year and a half. Run that shop about a year and a half.

Q. When was that? A. That is about 10 or 12 years ago.

Q. How long did you own that property? A. We owned that property about a year and a half.

Q. Then sold it? A. Yes, sir.

Q. Have you owned any property in the Cherokee Nation since then?

A. No, sir.

Q. Never owned any farm? A. No, sir.

Q. Any improvements? A. No, sir. I made my home in the Cherokee Nation.

Q. And you made your home other places? A. Nothing only staying out.

Q. You made your home at Seneca, Missouri? A. Of course I had to board.

Q. You boarded there just the same as in the Cherokee Nation?

A. I boarded there, yes; of course.

Q. Did you go to Canada once? A. No, sir.

Q. Where did you go once when you went a long time?

A. I haven't been gone a long time.

Q. Didn't you get into trouble and leave? A. No, sir; nothing more than after the boys robbed me I went out; my brother-in-law and some Cherokees.

Q. You were gone more than six months at that time? A. Yes, sir.

Q. Where have you been for the last year? A. Well, since the last of April I was at Grove, Cherokee Nation. I went from there up as far as the Kansas line.

Q. Have you been out of the Cherokee Nation ever since 1880 as much as you have been in? A. No, sir.

Q. How much have you been out? A. If it was all put together, probably---I don't know. I been back and forth in the Nation ever since my wife died.

Q. Where were you in 1898? A. 1898; I was in the Cherokee Nation.

Q. You haven't been permanently in the nation since 1880?

A. Nothing only making my home at Martins.

Q. After you made a trip you would come back to Martins?

A. Yes, sir.

Q. How long would you stay there? A. A week or two or month or two.

Q. Then go again? A. Yes, sir.

Q. Did you ever live in Siloam Springs, Arkansas? A. No, sir; I didn't.

Q. Ever stay there any length of time? A. No, sir; I didn't.

Q. What relation are you to this woman Annie Allen? A. My father married her mother.

Q. You never married her? A. No, sir.

Q. Didn't stay there with her? A. No, sir. I never stayed over night in Siloam Springs while they were there.

Q. Where is your daughter? A. She has been working for Jim Hare.

Q. Has she worked for her board? A. Yes, sir.

Q. Has she worked for her board long? A. Yes, boarding around.

Q. How long has she been living with Jim Hare. A. About 2 years.

Examination by the Commission.

Q. You have no interest in the Cherokee Nation; property or anything? A. No, sir.

Q. When did you make up your mind the Cherokee Nation was your home? A. Since I married. I have had no home but the Cherokee Nation since I married.

Q. You found it necessary to go out of the Nation? A. My business calls me out.

Q. What particular inducement have you to make the Cherokee Nation your home? A. Why, my daughter.

Q. Is John Martin here? A. No, sir; he is dead.

Q. When did he die? A. He has been dead two years this fall.

Examination by Mr. Starr.

Q. You never actually had a home in the Cherokee Nation since 1880? A. Not of my own. Well, I did too; the last shop we had.

Q. That is the only home you have had? A. Yes, sir.

J. B. CARL, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. J. B. Carl.

Q. How old are you? A. 28 years old.

Q. What is your post office? A. Wagoner, Indian Territory.

Q. Are you a Cherokee citizen? A. No, sir.

Examination by Mr. Hattain.

Q. You are acquainted with Ashley Norton? A. Yes, sir.

Q. How long have you known him? A. Why, I have known him off and on all my life. He lived in the neighborhood there I lived.

Q. Did you know his father? A. Yes, sir.

Q. ~~Did~~ you remember the time Ashley Norton was living with his father and the mother of Polly Allen? A. I do.

Q. How near did you live to them at that time? A. I suppose about two or two and a half miles. Something like that.

Q. State whether or not during that time you ever heard of Ashley Norton being married to Polly Allen? A. I did not.

Q. Were you well acquainted with him during that time?

Q. Why, yes. If they were married I would have heard of it.

Examination by Mr. Starr.

Q. Did Ashley Norton stay around there? A. Yes, sir.

Q. Was the house in the Nation or in the states? A. No, in the Nation.

Q. How long did Ashley Norton stay around there? A. I think they had a shop there about a year and a half.

Q. Did this Polly Allen have any children while he was there? A. No, sir.

Q. Never did have any children? A. I don't know about that. The old man had some small boys. Two of them.

Q. Do you know whether Polly Allen was ever married to this man? A. No, sir.

Q. Where is Polly Allen now? A. I don't know anything about that.

Q. Where has Ashley Norton been living? A. I don't know. I have been to the Territory myself, living there myself for a little over 6 years. No, a little over 4 years.

Q. Do you know of Ashley Norton having a home in the Cherokee Nation? A. No, sir; I don't know. Nothing only that shop down there.

Q. How long did he have that? A. I suppose about a year and a half.

Q. That is the only home, so far as you know, that he had? A. Yes, sir.

BY THE COMMISSION:

Q. Is Polly Allen a white woman? A. I think she is; I don't know.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of December, 1902.

B. O. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 10th, 1903.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT OF
ASHLEY NORTON AS A CITIZEN BY INTER-MARRIAGE OF THE
CHEROKEE NATION.

Cherokee D-53

PROTEST OF THE CHEROKEE NATION

Comes now the Cherokee Nation and respectfully
protests against the decision of the Commission
rendered on February 2nd., 1903, and asks that the
same be forwarded to the Secretary of the Interior
for review.

We submit that the applicant should not be
enrolled, upon two grounds:

First: The testimony shows that the applicant
is a white man, claiming citizenship in the Chero-
kee Nation by inter-marriage, and that since the
death of his wife Nancy, through whom he claims
citizenship, he has lived with and presumably mar-
ried a white woman, thereby forfeiting his right
to citizenship in the Cherokee Nation by inter-mar-
riage, as provided in Section 666, Compiled Laws
of the Cherokee Nation.

(See the testimony of Albert Cass)

Second: We contend that his testimony as to
residence is entirely too unsatisfactory upon which
to admit him to citizenship in the Cherokee Nat-
ion, and in our judgment his absences have not been
of a temporary nature, and he should not be enrol-
led upon that ground.

Respectfully submitted,

-----*N. N. Jackson*-----
Attorney for the Cherokee Nation

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE ENROLLMENT CASE No. D-53.

In the matter of the application of
Ashley Norton for the enrollment of
himself as a citizen by intermarriage
of the Cherokee Nation. } MOTION TO REOPEN CAUSE.

STATEMENT OF RECORDS.

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The record in this case shows that on July 23, 1900, Ashley Norton appeared before the Commission to the Five Civilized Tribes at Stilwell, Indian Territory, and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, December 3, 1900, and at Muskogee Indian Territory, February 17, 1902, February 25, 1902, and March 19, 1902. On May 20, 1902, the Commission rendered a decision granting the application of Ashley Norton for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

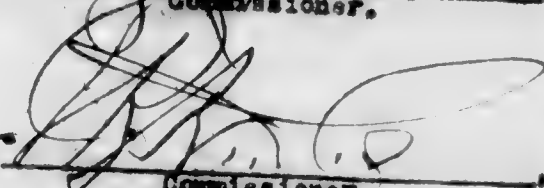
On June 3, 1902, the Cherokee Nation by its representative, filed a motion to reopen cause, alleging that Ashley Norton has, since the death of his wife, been living with a white woman in violation of Section 666 of the Compiled Laws of the Cherokee Nation.

-----ORDER-----

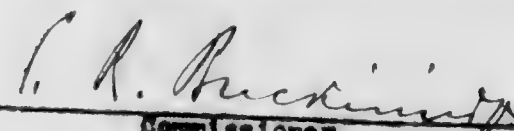
It is, therefore, ordered by the Commission that the motion to reopen this cause, be, and the same is hereby allowed, and that the decision of the Commission heretofore rendered be set aside and held for naught.

It is further ordered that this cause be set down for further hearing on the 20th day of August, 1902, at the offices of the Commission at Muskogee, Indian Territory.



Commissioner.


Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,
this 26 day of July, 1902.

Cherokee D-53.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ashley Norton as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

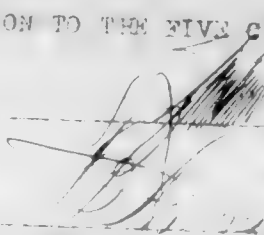
The record in this case shows that on July 3, 1900, Ashley Norton appeared before the Commission at Stilwell, Indian Territory, and made personal application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 3, 1900, and at Muskogee, Indian Territory, on February 17, February 25, March 19, July 26, August 20 and October 20, 1902.

The evidence shows that the said Ashley Norton was married to Nancy Beamer, a Cherokee citizen by blood, on May 26, 1878; that he is identified on the 1880 authenticated tribal roll of the Cherokee Nation, and the 1896 census roll of said Nation. The evidence further shows that his said wife died about the year 1885; that he lived with her in the Cherokee Nation from the date of their marriage until her death, and that he has not remarried since.

The evidence further shows that the said Ashley Norton has been a resident of the Cherokee Nation ever since his said marriage; that since the death of his said wife he has been absent from said Nation at various times, but that such absences have been only of a temporary nature.

It is, therefore, the opinion of this Commission that Ashley Norton should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 23, 1898, (30 Stats., 445), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this FEB - 1 1903



COMMISSIONERS
HENRY L. DAWES
TAMM HIBBY
THOMAS B. HARRIS
C. K. BRACKINRIDGE

ATTORNEY I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **January 31,**

1902

Mr. Ashley Norton,

Cherokee City, Arkansas.

Sir:

You are hereby notified that the application of **yourself**

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

10th day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-53
Register.

Yours truly,

Acting Chairman.

D- 88.

COPY

Muskogee, Indian Territory, May 21, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

Enclosed herewith, please find a copy of the decision of the Commission rendered May 20, 1902, in the matter of the application of Ashley Norton for enrollment as a citizen of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the above named person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed the applicant will be enrolled as a citizen.

Very respectfully,

T. B. J. Hedrick

Commissioner in Charge.

Enc. 1.

Cherokee N. S.

Washoe, Indian Territory, July 26th 1903.

N. A. Giback, Esq.,

Attorney for Ashley Horton,

Washoe, I. T.

Sir:

Enclosed herewith please find order of the Commission to the
Five Civilized Tribes, dated at Muskogee, Indian Territory, July
26th 1903, re-opening the case of Ashley Horton for the enrollment
of himself as a citizen by intermarriage of the Cherokee Nation.

Yours respectfully,

~~WILLIAM H. HARRIS.~~

J. C. Carter.

Enc. D. S.

POOR ORIGINAL -
BEST AVAILABLE

564
Cherokee N. C.

Muskogee, Indian Territory, July 20th 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

Enclosed herewith please find order of the Commission to the
Five Civilized Tribes, dated at Muskogee, Indian Territory, July 20,
1902, re-opening the case of Ashley Foster for the purpose of af-
fording you an opportunity to introduce testimony to disprove his
right to enrollment.

Yours respectfully,

Commissioner of the Five Civilized Tribes.

Respectfully,

W. W. Hastings.

564
Cherokee D. 45.

Waskagee, Indian Territory, July 20th, 1902.

Ashley Norton,
Cherokee City, Ark.

Sir:

You are hereby advised that on the 20th day of August 1902, at the office of the Commission to the Five Civilized Tribes in Muskogee, Indian Territory, the Cherokee Nation purposes to introduce testimony tending to disprove your right to enrollment as a citizen by intermarriage of the Cherokee Nation.

Very respectfully,

Commissioner in charge.

Register.

Cherokee D-38

Muskogee, Indian Territory, September 2, 1902.

Ashley Norton,

Okmulgee, Indian Territory.

Dear Sir:-

In reply to your inquiry of August 14, you are advised that the Commission has not yet rendered a final decision in the matter of your application for enrollment as a citizen of the Cherokee Nation. As soon as a decision is rendered, you will be promptly notified of the action of the Commission.

As requested in your letter, the marriage license and certificate, showing your marriage on May 28, 1898, to Miss Nancy Deemer, heretofore filed with this Commission, is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enc. B-12

COPY

Cherokee D-53

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Ashley Norton for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-525

COPY.

Cherokee D-53

Muskogee, Indian Territory, February 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Ashley Norton for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Acting Chairman.

Enc. M-2102

Through the

Commissioner of Indian Affairs.

COPY

Cherokee D-53

Muskogee, Indian Territory, February 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of Ashley Norton for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 12, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Acting Chairman.

Cherokee D-53

Muskogee, Indian Territory, February 18, 1903.

Ashley Norton,

Cherokee City, Arkansas.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Acting Chairman.

Enc. M-102

Register.

COPY.

Cherokee D-53

Muskogee, Indian Territory, March 18, 1903.

Ashley Norton,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 10, stating that your postoffice address is now Vinita, I.T.

You also ask to be furnished with a copy of the testimony of Albert Gass, taken in the matter of your application for the enrollment of yourself as a Cherokee citizen. This testimony is accordingly herewith enclosed to you.

Respectfully,

Chairman.

Enc. M-31

COPY.

Cherokee D-53.

Muskogee, Indian Territory, April 10, 1903.

Ashley Norton,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 4, 1903, asking to be advised as to the status of your application for enrollment as a citizen of the Cherokee Nation.

In reply, you are advised that the Commission's decision, granting your application for enrollment as a citizen of the Cherokee Nation, was forwarded to the Secretary of the Interior on March 18, 1903, for his review and decision. You are further advised that the Commission has not been advised of any departmental action in this case.

Respectfully,

COPY. *H. S. Woodlee.*
Commissioner in Charge.

Cherokee
D 53.

Muskogee, Indian Territory, January 14, 1907.

Ashley Norton,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 31, 1906, and your application denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.H-148
JMH

Commissioner.

Cherokee
D 53.

Muskogee, Indian Territory, January 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application for the enrollment of Ashley Norton as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, December 31, 1906, and said application denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. H-149
JMH

Commissioner.

COPY.
DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

Y.P.

I.T.D.24870-1906.

December 31, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:-

December 8, 1906 (Land 14409-1903), the Indian Office submitted the record in the matter of the application for the enrollment of Ashley Norton as a citizen by intermarriage of the Cherokee Nation, and recommended that the decision of the Commission to the Five Civilized Tribes of February 2, 1903, in favor of the applicant, be reversed.

In view of the decision of the Supreme Court of the United States in the case of Daniel Red Bird et al., citizens of the Cherokee Nation by blood, and Francis B. Fite et al., claiming to be entitled to citizenship in the Cherokee Nation by intermarriage, the decision of the Commission to the Five Civilized Tribes of February 2, 1903, is reversed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan.

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

6 inc. to Ind Of.

Cher R 1028

Trans from Cher 058

Cher R 1028

Department of the Interior,
Commission to the Five Civilized Tribes,
Stillwell, I.T., July 26, 1900.

In the matter of the application of Columbus M. Reeves for enrollment as a Cherokee by intermarriage; being duly sworn and examined by Commissioner Breckenridge, he testified as follows:

Q What is your name? A Columbus M. Reeves.

Q What is your age? A 53 years old.

Q What is your post office? A Stillwell.

Q And your district? A Going Snake.

Q How long have you lived in this district? A Since 1881.

Q For whom do you apply for enrollment? A For myself and wife and four children living.

Q Do you apply for yourself as an adopted citizen? A Yes, sir.

Q Your wife is a Cherokee by blood? A Yes, sir.

Q What is your wife's full name? A Martha E. Alberty, was her first name.

Q Have you a marriage license? A No, sir, I haven't got a license, I have got a certificate from the judge who married me.

Q Mr. Reeves, you hand me here a paper signed by Jesse Redbird, Judge of Going Snake district, certifying that on January 21, 1886, he united you, a citizen of the United States, in marriage to Martha E. Alberty, a Cherokee citizen, according to the requirements of the Cherokee law. This is duly attested by J. C. Starr, Notary Public, on the 26th of July, 1900. This does not, as I am advised, settle the thing, in order to secure to you the rights of a citizen, a duly authenticated license being required, the law being that merely a legal marriage does not secure you that, but a Cherokee license is required and you must be married under and according to that particular license. That instrument you haven't got? A No, sir.

Q Did you get out a license for marriage? A Yes, sir.

Q Can you supply this Commission with a duly authenticated copy of your license? A No, sir, I went to Tahlequah to see if it was recorded there, and it wasn't in the Clerk's books.

Q Can they furnish you evidence that it was issued to you?

A I don't know whether they can or not, they looked over the record and said it wasn't on the record.

(On 1896 roll, page 827, No. 160, Columbus Reeves, Going Snake dist.)

Q Mr. Reeves, I understand you to say that you can't produce any evidence of your having had a Cherokee license to be married? A I got a license, but then there is no record at Tahlequah in the Clerk's office.

Q Can you produce any proof that you had that license? A Yes, sir I can prove that by Mr. Redbird, that I had a license.

Q Can he certify that he saw the license? A Yes, sir, he married me.

Q How do you explain that they haven't got a record at Tahlequah of the fact that they issued the license? A It don't show it on the Clerk's books.

Q How do you explain that? A I don't know that I can explain it any further than that.

Q Mr. Reeves, from some cause, while you produce a certificate of marriage which will go with your application, you are unable to produce a Cherokee license, and you state that for some cause to you unknown you are unable to get a certified copy of the record showing that such license was duly issued to you. You affirm, however, that you did have such a license, and that you can produce witnesses who saw it. Now your application will be placed on a doubtful card, and it is desirable above all that if possible you produce a certified copy of the record showing that such license was duly issued to you. In the next place, if you can't produce a certified copy of the record, it is desirable for you to furnish some testimony explaining why you

Columbus M. Reeves - 2.

cannot get a certified copy of the record of that fact, and it is suggested as bearing on your case that you supply the Commission with such evidence as you can, properly sworn to and attested, from reputable witnesses who might have ~~signed~~ seen the license, and affidavits from those who signed the petition, that such license was granted to you. Now all evidence that you can bring upon this case, you are desired to forward to the Commission at its office at Muskogee, and when a decision is finally reached, you will be informed of it by mail at your present post office address, whether it be favorable or unfavorable, and it will afterwards be transmitted to the Secretary of the Interior, with all the papers in the case, for his final approval or disapproval. You are identified on the roll of 1896.

—o—

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reports the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 1st day of August, 1900.

Clifton H. Buckner
Commissioner.

CHEROKEES BY BLOOD AND ADOPTION.

1900.

Name

Cherokee M. Reed, Silvers

District

Snake

Year

1890

Page

122

No.

160

Citizen by blood

Mother's citizenship

U.S.

Intermarried citizen

Married under what law

1/2

Date of marriage

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Dist.

Year

Page

No.

Age

Dist.

Year

Page

No.

Age

Dist.

Year

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No.

Age

Cherokee M. Reed, Silvers
Family name to be certified.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 26 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TANLEQUAH, I.T., NOVEMBER 8th, 1901.

In the matter of the enrollment of Columbus M. Reeves for enrollment as a Cherokee citizen by Intermarriage, the following supplemental testimony is offered on part of the applicant:

The applicant, COLUMBUS M. REEVES, being duly sworn by Commissioner Needles, testified as follows in his own behalf:

- Q Your name Columbus M. Reeves. A Yes, sir.
Q You are the identical Columbus M. Reeves that applied to be enrolled as a Cherokee citizen by intermarriage at Stilwell on July 26th, 1900? A Yes, sir.
Q The testimony you presented when you were listed at Stilwell on the 26th of July, you stated that you were married by Jesse Redbird on January 21st, 1886? A Yes, sir.
Q To one Martha E. Alberty; were you ever married before you married Martha Alberty? A Yes, sir.
Q Was your former wife living? A No, sir, she was dead.
Q Was that your only marriage? A Yes, sir.
Q Was Martha Alberty ever married before she married you?
A No, sir.
Q You are her first husband? A Yes, sir.
Q Did you and she live together continuously up until this date?
A Yes, sir.
Q Living together now? A Yes, sir.
Q Never have separated? A No, sir.
Q How many children have you? A Five.
Q Have your wife and children been listed for enrollment?
A Yes, sir.
Q When you applied originally on the 25th of July, 1900, you failed to present a marriage license? A Yes, sir.
Q Have you had the records examined for them? A Yes, sir, I have/
Q And the marriage license cannot be found? A Cannot be found.
Q Had the records examined at Tahlequah? A Yes, sir.
Q You did have a license, did you? A Yes, sir.
Q Issued under the authority of the Cherokee law? A Yes, sir.
Q You filed your petition? A Yes, sir.
Q According to law? A Yes, sir.
Q Did you take the oath of allegiance as proved by the laws of the Cherokee Nation? A Yes, sir.
Q You have no knowledge of where the license is? A No, sir, I have not.
Q Is the man who married you living? A Yes, sir, Jesse Redbird.
Q Who issued the license to you? A Jack Riley.
Q What position did he hold? A Clerk's office.
Q What district? A Goingsnake.
Q Is he living? A No, sir, he is dead.

Com'r Needles: This statement of yours will go with the testimony in the case.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 9th, 1901.

[Signature]
Commissioner.

Supl.-C.D.#68.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of Columbus M.
Reeves as a citizen of the Cherokee Nation.

Commission: The applicant was notified by registered letter January 31, 1902, that on the 17th day of February, 1902, his case would be taken up for final consideration by the Commission, and that he would on said date be given an opportunity to introduce any additional testimony affecting his case. He was also requested to file with this Commission either his original or certified copy of his Cherokee marriage license and certificate. The applicant has acknowledged receipt of registered letter. He has been called three times and fails to respond either in person or by attorney and the case is closed.

C. R. McVickar

J.O.R.

Commissioner.

MP

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 10, 1902

In the matter of the application of Columbus M. Reeves for
enrollment as a Cherokee citizen.

Supplemental Statement.

---c0o---

On the third day of February, 1902, Columbus M. Reeves was notified by registered letter addressed to his Postoffice at Stillwell, Indian Territory, that his case would be taken up for final consideration by the Commission on the 17th day of February, 1902. The letter was received by the applicant on the fifth day of February, 1902, as shown by the registered return receipt now on file with this Commission. When this case was reached on the 17th day of February, 1902, no appearance was entered by applicant, or by any person for him and the case was closed.

It is directed that copies of this statement be filed with the testimony in the above case.



Commissioner.

D. 58.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 15, 1902.

In the matter of the application of Columbus M. Reeves for the enrollment of himself as a citizen of the Cherokee Nation.

SUPPLEMENTAL TO D-58.

COMMISSION: The applicant in this case was notified by registered letter April 3, 1902, to appear before the Commission for the purpose of introducing further testimony as regards his marriage in accordance with the laws and customs of the Cherokee Nation. On the 21st day of April the applicant appeared and by agreement the case was continued until the 15th day of May, 1902.

MARK BEAN, being first duly sworn, testified as follows:

COMMISSION: What is your name? A Mark Bean.

Q How old are you, Mr. Bean? A 59 years old.

Q Your postoffice address? A Evansville, Arkansas.

Q Are you acquainted with the applicant in this case, Columbus M. Reeves? A Yes, sir.

Q Is he a citizen by blood? A No, sir.

Q A white man? A Yes, sir.

Q Do you know whether or not he ever made application to the authorities of the Cherokee Nation for a marriage license authorizing him to marry some citizen of the Cherokee Nation? A Nothing further than I signed a petition for his license.

Q Do you know whether that petition was signed by any other persons than yourself? That is, do you know any of the other signers? A Well I can't recall; it's been a long while ago; I can't recall; a few others; there was the ten of them, the law required that ten should sign it, and I think that ten signed it.

Q Do you know whether or not he procured a license on the strength of that petition? A No, sir, I do not.

Q Did you know his wife? A Yes, sir.

Q Did you know her before he was married to her? A Yes, sir.

Q Did you ever see them living together as man and wife after you signed this petition for the Cherokee license? A Yes, sir.

Q Have they lived together continuously since that time? A Yes, sir, been living together continuously since shortly after they signed that petition.

MR. W. W. HASTINGS, representative of the Cherokee Nation: What was his wife's father's name? A Johnson Alberty.

Q Where did he live? A He lived in Goingsnake.

Q Well I mean what part? A He lived right near me, ~~EVERETT~~ Evansville would be the postoffice.

Q How long had you known Columbus before? A I had known him about a year I think.

Q Had he been married before? A I couldn't say as to that, don't know; I have never heard. - Now I know he had been married because he had some children, some children, I know he had been married before that.

Q Did you know whether his wife was dead? A No, sir, don't know anything about his wife.

COMMISSION: Have you ever heard his right to enrollment as a citizen by intermarriage disputed in any manner? A Yes, sir.

Q How? A Well I have just heard it talked around through the country, that is since this Commission has been enrolling or did you hear his right to enrollment disputed prior to the time the Com-

mission begun making the Cherokee roll? A Well I think I did.

Q On what grounds was it disputed? A It was in a little lawsuit up there under the Cherokee law, I think it was between Judge J. P. Adair and Columbus Reeves, or J. P. Adair in that lawsuit, and I heard afterwards that the question of his citizenship was raised.

Q Merely hearsay on your part? A Yes, sir, I wasn't present.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 17th day of May, 1902.

[Signature]
Notary Public.

D58

MAY 7 1972

11

Abstracts of the 1996 Annual Meeting of the American Society of Human Genetics, 1996, 14-18 October, Denver, Colorado, USA. *Am J Hum Genet* 59: 1-100.

• *Wesley's hope of heaven.*

1. Subject: [Redacted]
 2. Reference: [Redacted]
 3. Date: [Redacted]
 4. Location: [Redacted]
 5. Time: [Redacted]
 6. Weather: [Redacted]
 7. Remarks: [Redacted]
 8. Signature: [Redacted]
 9. Print Name: [Redacted]
 10. Position: [Redacted]
 11. Organization: [Redacted]
 12. Address: [Redacted]
 13. City: [Redacted]
 14. State: [Redacted]
 15. Zip: [Redacted]
 16. Phone: [Redacted]
 17. Fax: [Redacted]
 18. E-mail: [Redacted]
 19. Web: [Redacted]
 20. Notes: [Redacted]

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R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, July 10th, 1902.

In the matter of the application of Columbus M. Reeves for the enrollment of himself as a citizen by intermarriage of the Cherokee nation.

Supplemental to D-58.

The Cherokee nation, by its representative, makes satisfactory proof of service on said Columbus M. Reeves that it would, at the office of the Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, on the 10th day of July, 1902, introduce testimony tending to disprove his right to enroll as a citizen of the Cherokee nation.

The applicant has this day been called and fails to respond either in person or by attorney.

The Cherokee nation appears by W. W. Hastings.

The Cherokee nation introduces a certified copy of the decision of the Supreme Court of the Cherokee nation, under date of October 14th, 1892, in the case of C. M. Reeves vs. J. T. Adair, showing that the case was dismissed by the lower court on the ground that C. M. Reeves was not an adopted citizen of the Cherokee nation, and being appealed the ruling of the lower court was sustained by the Supreme Court.

JAMES JOHNSON, being duly sworn, testified as follows:--

Examination by Mr. Hastings.

Q. What is your name? A. James Johnson.

Q. What is your age? A. 37.

Q. What is your post office address? A. Baron, Indian Territory.

Q. How long have you lived in the vicinity of Baron? A. About 11 years.

Q. Do you know Columbus M. Reeves? A. I do.

Q. How long have you known him? A. About 10 years, I guess.

Q. I will ask you, Mr. Johnson, if you were ever a deputy United States marshal? A. I was.

Q. For what court did you ride? A. Fort Smith court, western district of Arkansas.

Q. I will ask you if you ever had a warrant for the arrest of C. M. Reeves? A. Never had any warrant.

Q. I will ask you if complaint was ever made to you about his having having been previously married to a woman in the states and not having been divorced from her? A. Yes, sir, the case was reported to me and his former wife's address was given to me and under the rules of our court we had to have a sworn affidavit from the grieved person before we could prosecute. I wrote to the woman and she sent an affidavit back that she was his legal wife and had two or three children, I would not be positive which, by Lum Reeves. She was his legal wife at that time and never had been divorced from him. Also had a certificate of the court as to her good character and the hardships placed on her.

Q. Where was she living at that time you had that communication? A. I wouldn't be positive; it was either in Tennessee or Georgia.

Q. About how long ago was that? A. It was in 1892.

Q. After he was married in this country? A. Yes, sir. He was living then about three miles south of me.

Q. Why wasn't the warrant issued? A. The district attorney decided that it was barred by limitation, being over three years since he lived there.

Q. That was the reason there was no warrant issued? A. That was the reason no warrant was issued. I returned the papers, the family record, back to her.

Q. Did you have a part of the family record from her? A. Yes, sir; I did. Torn from the family bible, so she stated.

Q. She said that the record she sent was torn from the family bible? A. Yes, sir.

Q. You don't remember her name? A. No, sir; I don't; not thinking of ever coming back here.

Q. Did you ever talk with him about it? A. Once.

Q. What did he say? A. He asked me if I hadn't got a letter from that woman back there. He said he heard I did. He says, "Yes, I had another woman back there." That is about the substance of the conversation.

Q. Do you know this man's present wife? A. Know her when I see her. Not personally acquainted.

Q. Do you know who she was? A. I understood she was an Alberty.

Q. Alberty? A. Yes, sir.

Q. Who reported this case? A. Morland.

Q. Where did he live? A. Two miles south of me.

Q. What would be his post office address? A. I don't know whether it was Baren or not. Stilwell.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18 day of July, 1902.

Jesse O. Carr
Notary Public.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 23, 1902.

In the matter of the application of Columbus M. Reeves to be enrolled as a citizen by intermarriage of the Cherokee nation.

Columbus M. Reeves, being first duly sworn, and examined by the Commission, testified as follows:

- Q Your name is Columbus M. Reeves? A Yes sir.
Q How old are you? A 54 years.
Q What is your postoffice? A Stillwell, I.T.
Q Are you a white man? A Yes sir.
Q You claim the right to be enrolled as a Cherokee citizen by intermarriage, do you? A Yes sir.
Q What is the name of the wife through whom you claim your citizenship?
A Martha M. Reeves.
Q Is she a Cherokee by blood? A Yes sir.
Q When were you married to her? A Married in 1886.
Q Married under a Cherokee marriage license? A Yes sir.
Q Did you file a copy of that license with the Commission? A It could not be found.
Q Who issued the license to you? A Jack Wright.
Q He was clerk of what district? A Going Snake.
Q Did you file your petition with him? A Yes sir.
Q Took the oath did you? A Yes sir.
Q Paid your fee? A Yes sir.
Q Who married you? A Jesse Redbird.
Q He was one of the judges? S He was judge of Going Snake at that time.
Q How soon was that after the marriage license had been issued? A How soon from the time it was issued until we was married?
Yes. A A very short time.
Q A day or two? A Yes, the next day after the license was issued.
Q Is Jesse Red bird living? A Yes sir.
Q Did you ever bring him in to testify? A No, I never could get him; I got his affidavit before the Commission at Stillwell.
Q You had some witnesses who testified about your marriage? A Yes.
Q Is Mr. Wright, the clerk, living? A No, Mr. Wright is dead; he issued the license.
Q Did Mrs. Wright testify before the Commission? A No sir.
Q Who was present at your marriage? A Julia Alberta and Charley Wetzell.
Q Are they living now? A Charley is dead. Julia Alberta is here in town; I brought her along.
Q Has she ever testified before the Commission? A No sir.
Q Will you bring her in to testify? A Yes sir.
Q Is your wife living? A Yes sir.
Q Have you and your wife been living together ever since you were married?
A Yes sir.
Q Is Martha your first wife? A No sir.
Q You had been married before? A Yes sir.
Q What was her name? A My first wife was Jane McClure.
Q Was she a white woman? A Yes sir.
Q Is she dead? A Yes sir.
Q Did she die before you married Martha? A Yes sir.
Q Was that the only time you had been married before? A No, I was married after that.
Q What was the name of your second wife? A Maggie Dugan.
Q Was she a white woman? A Yes sir.
Q Is Maggie dead? A Yes sir.
Q Was Maggie dead when you married Martha? A Yes sir.
Q Martha is your third wife? A Yes sir.
Q Had Martha ever been married before she married you? A No sir.

- Q You was her first husband? A Yes sir.
 Q You have been living together ever since you were married? A Yes.
 Q You have never been separated? A No sir.
 Q And are living together now? A Yes sir.
 Q Has the Cherokee nation been your home ever since you were married?
 A Yes sir
 Q You never lived anywhere else? A No sir.
 Q Have you any children? A Yes sir.
 Q How many? A Five; I enrolled for five; and one was born since, and one died since.
 Q One of these you enrolled died? A Yes sir.
 Q Which one is that? A Lila.
 Q Did you ever send an affidavit to the Commission showing the death of that child? A No sir.
 Q The living children are at home with you? A Yes.
 Q When did Lila die? A August 30, 1892.
 Q Died August 30, 1892? A Yes sir

Julia A. Alberty, called as a witness in the above entitled cause, and being first duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Julia Alberty.
 Q How old are you? A Forty six.
 Q What is your postoffice? A Stillwell, I.T.
 Q Are you a Cherokee citizen? A Yes sir.
 Q Do you know Columbus W. Reeves? A Yes sir.
 Q How long have you know him? A About 23 years, or 20 years.
 Q Do you know when he was married? A Yes sir.
 Q What is his wife's name? A Martha.
 Q Were you present at the marriage? A Yes sir.
 Q Who married them? A Jesse Redbird.
 Q Who was he? A A full blood Indian.
 Q Was he one of the judges of the Cherokee nation? A Yes sir.
 Q When were they married? What year? A I think it was about 1886; I don't remember the date exactly.
 Q Did Mr. Reeves have a Cherokee marriage license, do you know? A Yes.
 Q How do you know it? A I saw the judge read them.
 Q Did you read them yourself? A No sir.
 Q How do you know it was a Cherokee license? A Well, I know he got his signers for my husband signed it.
 Q Your husband was one of the signers of his petition? A Yes sir.
 Q You say you heard the judge read the license? A Yes, his wife interpreted it for him.
 Q Judge Redbird's wife did? A Yes sir.
 Q Have you known Columbus Reeves since that time? A Yes sir.
 Q And his wife? A Yes sir.
 Q Have they been living together? A Yes sir.
 Q Living in the Cherokee nation all the time? A Yes, neighbors to me.
 Q Neighbors to you? A Yes sir.

~~Witnesses called as witnesses in the above entitled cause, and being first duly sworn and examined by the Commission, testified as follows:~~

Frances R. Lane upon oath, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this November 1, 1902.

Notary public.

FILED
NOV 1 1902

7015-43-8

1. The following information was obtained from the records of the
2. Baltimore Police Department and the records of the Baltimore
3. Police Department, Baltimore, Maryland, dated 10/10/68, and the
4. Baltimore Police Department, Baltimore, Maryland, dated 10/10/68, and the
5. Baltimore Police Department, Baltimore, Maryland, dated 10/10/68, and the
6. Baltimore Police Department, Baltimore, Maryland, dated 10/10/68, and the
7. Baltimore Police Department, Baltimore, Maryland, dated 10/10/68, and the
8. Baltimore Police Department, Baltimore, Maryland, dated 10/10/68, and the
9. Baltimore Police Department, Baltimore, Maryland, dated 10/10/68, and the
10. Baltimore Police Department, Baltimore, Maryland, dated 10/10/68, and the

[illegible]

... 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673,

FILED

1902

D 58

Cherokee Nation :
Going Snake District. Jan. 21st 1886.

I, Hereby certify that I have this day solemnized the
rite of matrimony between C. M. Reeves a citizen of the United
States aged 39 years and Martha E. Alberty a Cherokee citizen
aged 34 years, in accordance with Section 688, Article 21, page
345 of the compiled Laws of the Cherokee Nation.

Jesse Redbird, Judge.

Going Snake District,
C. N.

Subscribed and sworn to before me this 26th day of July 1900.

J. C. Starr,

Notary Public.

S E A L

My commission expires May 26, 1902.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., February 4, 1902 .

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of
the original offered in evidence in the matter of the application for enrollment of

Columbus M. Reeves, as a citizen of the Cherokee Nation.

Commissioner.

In the matter of a motion in the case of

C. M. Reeves

vs.

Suit for book account.

J. T. Adair

Defendant by his attorney moved to dismiss the above case on account of there being no date as to when this account was opened or closed.

Second - That the Revised Code requires the plaintiff to state the nature of his case, in plain and concise language, so that the party sued may acquire information of the essential facts.

---- See page 77, Sec. 3, also page 123, Sec. 117.

Third- A demurer was also filed by defendant's attorney to the jurisdiction of the court in this case, on account of the plaintiff not being a citizen of the Cherokee Nation, at the time this suit was instituted and is not now a lawful citizen. See the Revised Code page 275, Art. 15, Sec. 67, relating to intermarriage of white men with Cherokee women.

It appears from the testimony of the District Clerk that the plaintiff failed to comply with one of the provisions of the law in Sec. 67, Art. 15, page 275, - to-wit; Every white man applying for license as provided in the preceding sections, shall furnish the clerk with a certificate of good moral character, signed by the County Clerk, with the seal of the County of which he was last a voter.

In view of the fact that the plaintiff failed to comply with all the provisions of law regulating intermarriage of whites and Indians, the ruling of the Lower Court is sustained and the case is dismissed.

Jno. Wickliff, Associate and Acting
Chief Justice.

J. T. Cunningham, A.J.

Oct. 14, 1892.

2-

Executive Department, Cherokee Nation.

Tahlequah, I. T.

I hereby certify that the foregoing is a true copy of the record of the Supreme Court, which record is now on file in this office, and is in my legal custody.

(SEAL)

Given from under my hand and seal
of office on this the 9th day of
July, 1902.

Signed - J. T. Parks,
Executive Secretary.

Muskogee, Indian Territory, July 12, 1902.

I, R. A. Stevens, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of a certified copy of the original offered in evidence in the matter of the application of Columbus M. Reeves for enrollment as a citizen of the Cherokee Nation.

R. A. Stevens
Steno.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Columbus M. Reeves for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record herein shows that on July 26, 1900, Columbus M. Reeves appeared before the Commission at Stilwell, Indian Territory, and made application for the enrollment of himself, among others, as a citizen by intermarriage of the Cherokee Nation. The other parties to this application are differently classified and are not embraced in this decision. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on November 8, 1901, and at Muskogee, Indian Territory, on March 10, May 15, July 10, and October 23, 1902.

The evidence in this case shows that the applicant, Columbus M. Reeves, was married under a Cherokee marriage license, and in accordance with the laws of the Cherokee Nation, on January 21, 1886, to Martha E. Alberty, a citizen by blood of the Cherokee Nation. He is identified on the Cherokee census roll of 1896 as an adopted white. The record of the proceedings in the case of C. M. Reeves vs. J. T. Adair, in the Cherokee Supreme Court, is not considered admissible to disprove applicant's right to enrollment as an intermarried citizen. That suit was between individuals and on a book account and the question of applicant's citizenship not being an issue therein, the doctrine of res adjudicata is not applicable.

The evidence further shows that the said Columbus M. Reeves has resided in the Cherokee Nation, and has lived with his said wife, ever since they were married.

It is, therefore, the opinion of this Commission that Columbus M. Reeves should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this _____

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Columbus M. Reeves for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N


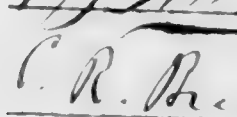
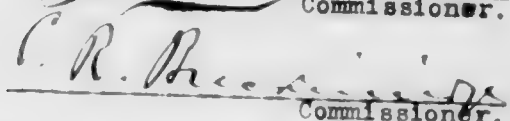
The record in this case shows that on July 26, 1900, Columbus M. Reeves appeared before the Commission at Stilwell, Indian Territory, and made personal application for the enrollment of himself, among others, as a citizen by intermarriage of the Cherokee Nation. The other parties to this application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on November 8, 1901, and at Muskogee, Indian Territory, on March 10, 1902, May 15, 1902, and July 10, 1902.

The applicant claims that on January 21, 1886, he was married in accordance with the laws of the Cherokee Nation, to Martha E. Albery, a Cherokee citizen. It is, however, not established by the evidence that the applicant in entering into such marriage fully complied with the Cherokee laws in relation to the intermarriage of white men with Cherokee women. On the contrary, the Cherokee Supreme Court in the case of C. M. Reeves vs. J. T. Adair, decided that the applicant had failed to comply with such laws, and that he was not at the time of such decision (October 14, 1892) a Cherokee citizen; and it does not appear that he has since married his said wife in accordance with the Cherokee laws.

The applicant is identified as an adopted white on the 1896 census roll of said nation.


It is therefore the opinion of this Commission that the name of Columbus M. Reeves is on the said 1896 census roll without authority of law; and that his said application for enrollment as a citizen by intermarriage of the Cherokee Nation, should be denied, under the provisions of Section 21 of the act of Congress, approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this _____

C-
A DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 26 1900.


ACTING CHAIRMAN.

Chickasaw Nation
Gentry, Ark. District Court 24th 1880
I hereby certify that on 1st day
Solemnized the rite of Matrimony between
P. W. R. and [illegible] of the Chickasaw Nation
age 31 years and [illegible] of [illegible]
Chickasaw Citizens age 34 years [illegible]
Section 1 of [illegible] Page 100 of [illegible]
Compiled Laws of the Chickasaw Nation
J. C. Starr
Notary Public

Subscribed & sworn to before me this
26th Day of July 1900.

J. C. Starr
Notary Public
my Commission Expires
May 26, 1902.

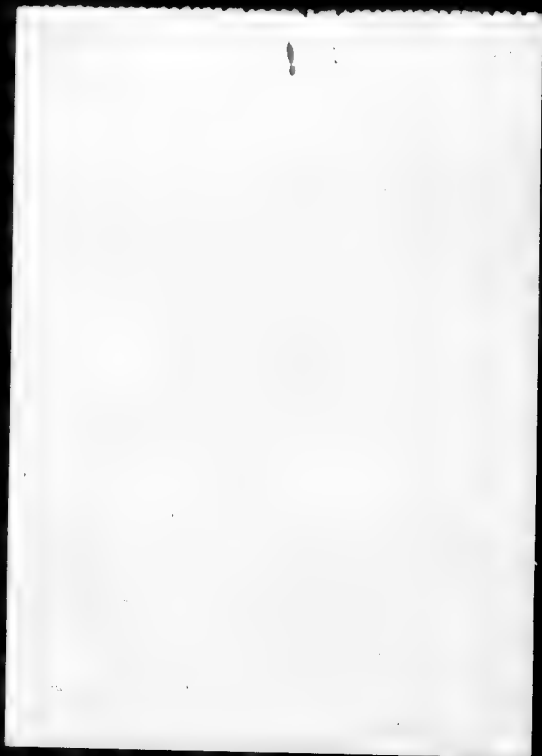
858

App testifies that he took out a Cherokee marriage license, and his testimony in this regard is supported by Mark Bean who signed the necessary petition. Julia Alberty testifies that she was present when app and Martha Alberty were married by Jesse Redbird, and heard the latter's wife interpret the license.

Further, the certificate of Judge Redbird recites that app. was married in accordance with Sec 688 of the Cherokee laws, which is the section authorizing tribal judges to solemnize marriages. Sec 663 prohibits, under penalty any person solemnizing marriage between a white man and a Cherokee woman, except under Cherokee license, and it is not to be presumed that Judge Redbird violated the law by marrying the app. without a Cherokee license. That he had some kind of a license is clear, and that it was

a choice license seems
reasonably certain under all
the circumstances
RAD

Return of license paper and
return original decision
11/7/02
P.H.G.



38

Referring to the note of Commissioner
Breenidge, the ~~testimony~~ evidence as to
applicant having a living wife at the
time of his marriage to Martha Alberty
is hearsay, and in my judgment, incompetent.
The only portion of it which might be
admissible is the testimony of the U.S.
Deputy Marshall that he had a conversation
with applicant in which the latter said
"I had an other ^{woman} back there" Even this
would not establish that such wife
was then living. The presumption of law
is in favor of the validity of the marriage
between applicant and Martha Alberty, and
it is upon the Cherokee Nation to overcome
this presumption by competent testimony.

Whole
but
also

It is true applicant in his 2^d testimony
says he never was married but once prior
to his marriage to Martha Alberty, but
this may not have been intentional, as
he conceals nothing ^{of this} in his testimony
of October 13.

AAA

I concur fully in above statement and
believe if applicant is denied it must be done
outside of this record. If the Commission feel
that applicant should not be admitted, then
they should require additional testimony.

CR

In the matter of a motion in the case of

C.M. Reeves

Suit for Book Account.

vs.

J.T. Adair

Defendant by his attorney moved to dismiss the above case on account of there being no date as to when this account was opened or closed.

Second,- That the Revised Code requires the Plaintiff to state the nature of his case, in plain and concise language, so that the party sued may acquire information of the essential facts.

----See page 77, Sec., 3, also page 123, Sec. 117.

Third,-- A demurer was also filed by defendant's attorney to the jurisdiction of the Court in this case, on account of the Plaintiff not being a citizen of the Cherokee Nation, at the time this suit was instituted and is not now a lawful citizen. See the Revised Code page 275, Art. 15, Sec. 67, relating to intermarriage of white men with Cherokee women.

It appears from the testimony of the District Clerk that the Plaintiff failed to comply with one of the provisions of the law in Sec. 67, Art. 15, page 275,- to-wit; Every white man applying for license as provided in the preceding Sections, shall furnish the Clerk with a certificate of good moral character, signed by the County Clerk, with the seal of the county of which he was last a voter.

In view of the fact that the Plaintiff failed to comply with all the provisions of law regulating intermarriage of whites and Indians the ruling of the Lower Court is sustained and the case is dismissed.

Jno. Wickliff, Associate and
Acting Chief Justice.

J.T. Cunningham, A.J.

Oct. 14, 1892.

Executive Department, Cherokee Nation.

Tahlequah ?, I.T.

I hereby certify that the foregoing is a true copy of the record
I

of the Supreme Court, which record is now on file in this
office , and is ⁱⁿ my legal custody.

Given from under my hand
and seal of office on this
the 9th., day of July 1902

J. T. Parkes
Executive Secretary.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED
JUN 10 1902

FILED
JUN 10 1902

ATLANTA, GA.

U.S. DEPT. OF THE INTERIOR

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
C. H. BRACKINRIDGE

ALLISON L. AYRESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, **January 31**

1902

Mr. Columbus M. Reeves,

Stillwell, Indian Territory.

Sir:

You are hereby notified that the application of **yourself**

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

16th day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with the original or a certified copy of your Cherokee marriage license and certificate

Yours truly,

**Cherokee D-58
Register.**

Acting Chairman.



Time extended to May 15, 1902
at request of applicant who appears
this 21 day of April 1902

Cherokee D 58

Muskogee, Indian Territory, April 3, 1902.

Columbus Reeves,

Stillwell, Indian Ter.

Dear Sir:

You were recently notified by registered letter that the matter of your application for enrollment as an intermarried citizen of the Cherokee Nation would be taken up for final consideration on the 17th day of February, 1902. You entered no appearance on that day and this Commission now desires to give you another opportunity to establish more satisfactorily your marriage under a Cherokee marriage license to Martha E. Alberty. You testified that you had the Cherokee marriage records examined and failed to find any record of your license. The next best evidence would be the personal testimony of Jesse Redbird, the officer who married you as to whether such ceremony was performed under a Cherokee marriage license issued by the proper authorities.

You are notified, however, that unless you can establish your marriage in the manner indicated on or before the 21st day of April, 1902, the Commission may find it necessary to deny your application for enrollment.

You are therefore urged to give the matter your immediate attention.

Yours truly,

Register.

Commissioner in Charge

NOTICE.

In the Matter of the application of Columbus M. Reeves,
for enrollment as Cherokee citizens:

To Columbus M. Reeves,

Spilwell, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on **July 10th**, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until ~~July~~ same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this

June 26th 1902.

No. C. D. 58.

M. J. Hastings

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, I. T. July 10th 1902.

In the matter of the application of Columbus M. Reeves for enrollment
as a citizen of the Cherokee Nation.

Cherokee D. 58.

United States of America,

Indian Territory

Western District 88.

J. C. Starr of lawful age on oath being duly sworn
says that on the 26th day of June 1902 he registered a letter to Colum-
bus M. Reeves at his post office at Stilwell I T. Containing a true copy
of the notice hereto attached and that on the 10th day of July 1902 he
received the registry return receipt hereto attached signed by C. M.
Reeves showing that the said C. M. Reeves received said notice.

Subscribed and sworn to before me this 10th day of July 1902.

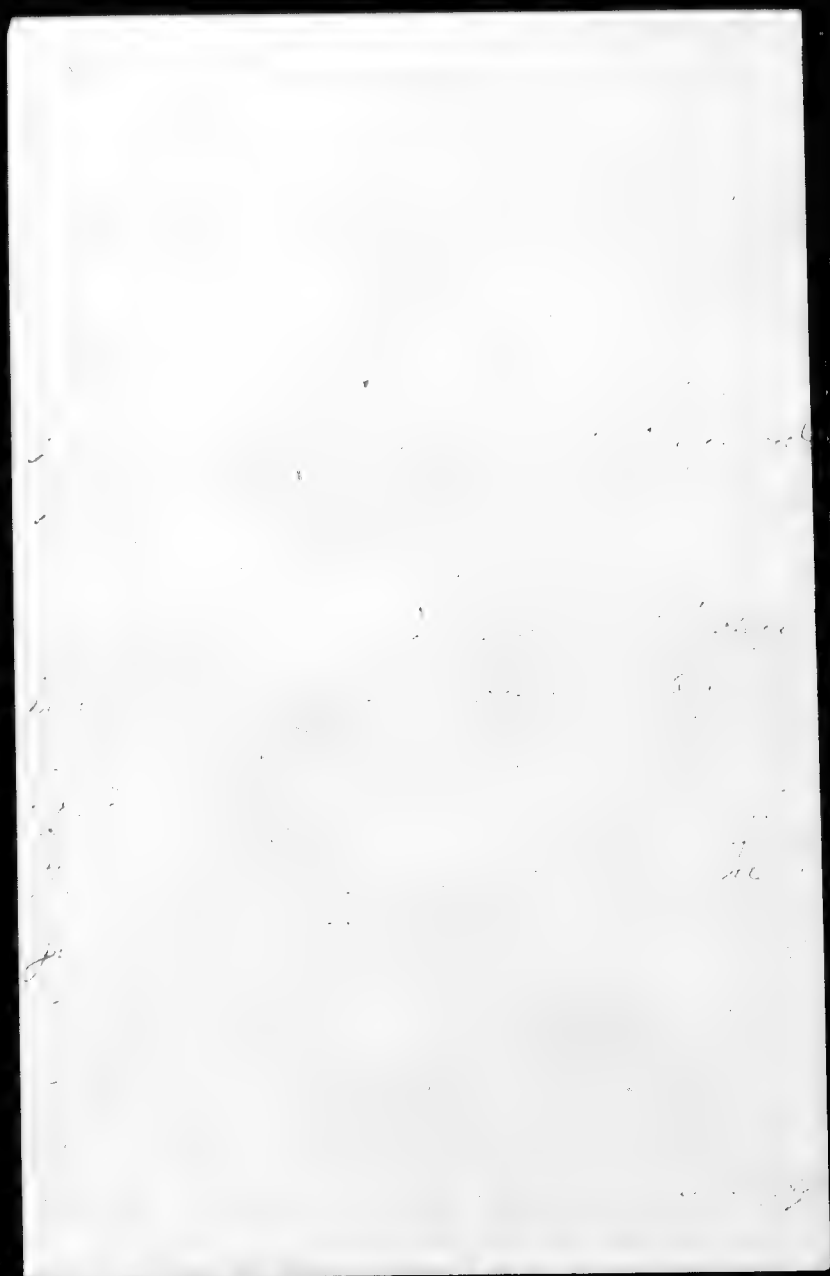
(3.00)
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 10 1902

ACTING CHAIRMAN



INDEXED.

152/

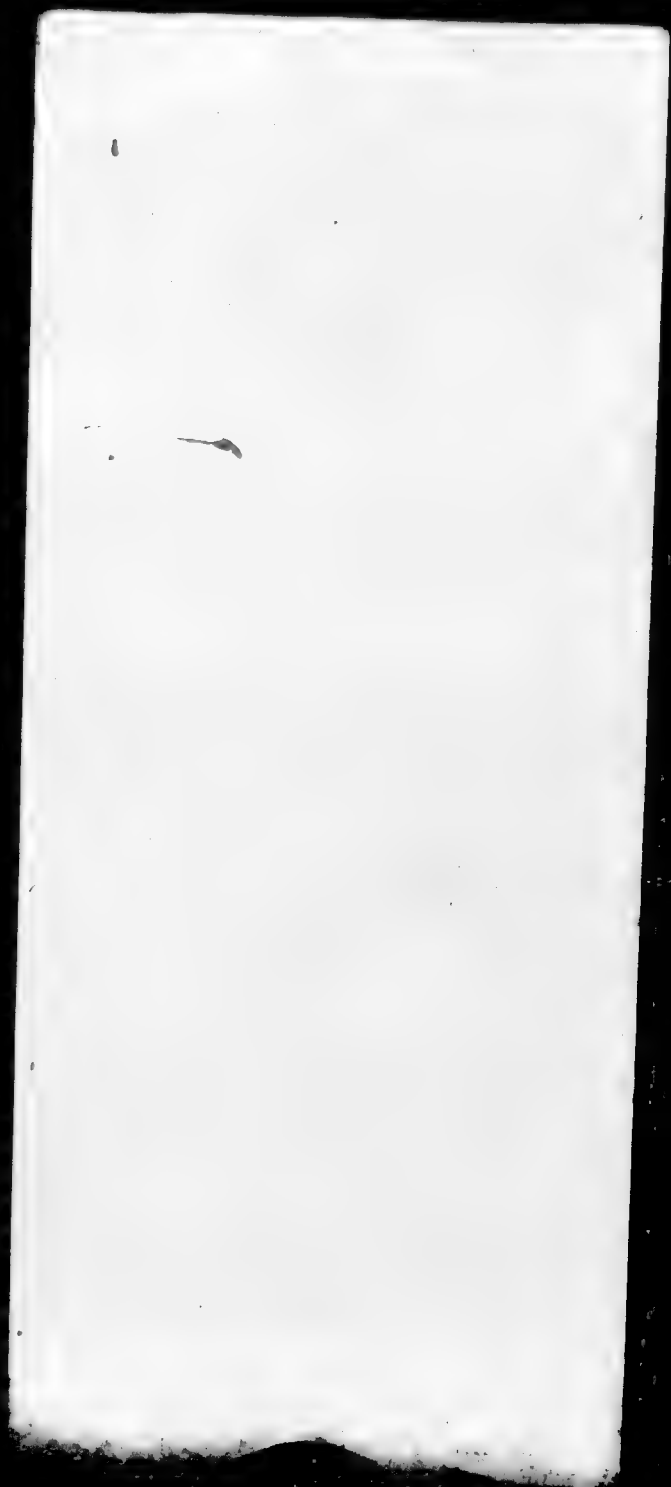
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1902

Handwritten text, possibly a signature or name, appearing in cursive script.

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14003



Cherokee D-58

Kushogee, Indian Territory, March 26, 1903.

Columbus M. Reeves,

Stilwell, Indian Territory.

Dear Sir:

You are hereby notified that before your application for enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary that you introduce further evidence to show that at the time of your marriage to your Cherokee wife, your second wife was dead, or if not dead, that you had been legally divorced from her. This testimony can be introduced before the Cherokee Land Office of this Commissioner, and should be presented at the earliest possible day.

Respectfully,

Chairman.

GRS

Cherokee

D 58

Muskegee, Indian Territory, March 14, 1907.

Columbus M. Reeves,

Stilwell, Indian Territory.

Dear Sir:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

MTM

Commissioner.

Cherokee
5 et al

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

Cherokee No.
D. 58

Muskegee, Indian Territory, January 10, 1907.

Columbus M. Reeves,
Stilwell, Indian Territory

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. p-----

Commissioner.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

| | | | |
|----------------------|-----|---------------------|-----|
| James Watson | 5 | Scott Harless | 294 |
| Benjamin W. Williams | 8 | Emma Phillips | 307 |
| Lena Severs | 19 | John Whisenhunt | 350 |
| Sarah E. McCay | 21 | Tilman Chance | 373 |
| Joseph Herberger | 23 | Thomas A. Sheffield | 384 |
| Laura Henson | 43 | Vester C. Martin | 388 |
| William W. Barnes | 48 | William Grigsby | 417 |
| Georgia Wood | 54 | William J. Largen | 508 |
| Walter A. Edens | 62 | Joseph P. Willis | 584 |
| Adda B. Ward | 69 | James T. Miller | 598 |
| Samuel G. Victor | 73 | George A. Waters | 632 |
| Sarah M. Thomas | 109 | Jenette Messer | 666 |
| William B. Watson | 165 | Joseph A. Patton | 679 |
| William H. Ford | 173 | Benjamin G. Holland | 763 |
| Thomas N. Wilson | 185 | William Gordon | 798 |
| Ulsie Ann Smith | 206 | Maggie Patterson | 804 |
| Susan M. Perry | 208 | Martha M. Bruner | 832 |
| Gertrude Palone | 224 | Emma Morris | 842 |
| Hugh Willis | 229 | Susie Fivekiller | 857 |
| Mary A. Wilkie | 248 | John F. Carden | 861 |
| John W. Thurman | 253 | William H. Burrow | 967 |

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|----------------------|------|---------------------|------|
| Mary Pettit | 977 | Millie Morton | 1554 |
| Bettie Mitchell | 985 | Andrew Walters | 1573 |
| John J. Harrison | 993 | John H. Holder | 1610 |
| Jasper N. Bateman | 1029 | Mary M. Burr | 1612 |
| Susan Ballard | 1065 | Thomas E. Bonham | 1644 |
| Lucy Eva Simmons | 1073 | Florence Headrick | 1663 |
| Ellen Thornton | 1089 | Daisy B. Brewer | 1709 |
| Sarah E. Hair | 1090 | Annie Cordrey | 1717 |
| Norman S. Drake | 1092 | Adam Eckert | 1722 |
| Susan Hogg | 1094 | Isaac Timmons | 1726 |
| David L. Scott | 1099 | Gent Gibson | 1727 |
| James C. Taylor | 1111 | Amos Anderson | 1731 |
| Roxie Shepard | 1128 | William J. Mounts | 1734 |
| Robert G. Elgin | 1136 | James D. Alexander | 1745 |
| William Hall | 1137 | Willis E. Miles | 1769 |
| Mary Ella Lattimore | 1141 | Lora Adair | 1781 |
| Maggie J. Keys | 1149 | John Yarborough | 1796 |
| Joseph M. Correll | 1177 | Lillie M. Dassler | 1802 |
| Jane Ratley | 1225 | Bryant C. Redington | 1804 |
| George E. Norton | 1234 | Malisa A. Maxwell | 1808 |
| Mahala D. Thompson | 1247 | Richard Dukes | 1811 |
| Charles M. Trammel | 1264 | Fannie Pettit | 1816 |
| Flora Carlile | 1265 | Genevia Pool | 1817 |
| William H. Norrid | 1275 | Mollie Crossland | 1822 |
| Olivia Benge | 1276 | Lizzie Benge | 1828 |
| Dollie Wilson | 1278 | John H. Welty | 1847 |
| Moses Bell | 1279 | Edward P. White | 1884 |
| Sarah Fleetwood | 1290 | Lauren P. Green | 1887 |
| Rosa E. Fargo | 1299 | Charles Rosser | 1898 |
| William M. Oliver | 1333 | Fay Adair | 1913 |
| Andrew J. Couch | 1340 | Henrietta Irving | 1920 |
| Lina Hyles | 1347 | Bird Trippard | 1925 |
| Mary M. Miller | 1350 | John C. Carlile | 1937 |
| Mary E. Taylor | 1368 | John W. Gilstrap | 1954 |
| Polly Ann Benge | 1369 | Sarah Young | 2018 |
| Margaret Moton | 1385 | Nancy A. Coleman | 2049 |
| Minnie McKinney | 1390 | James N. Whisenhunt | 2118 |
| Nettie Seabolt | 1418 | Hiram Stephens | 2157 |
| Lawrence G. Faulkner | 1433 | Asa L. Guinn | 2159 |
| Sarah A. Holt | 1449 | Rebecca J. Flying | 2172 |
| Jennette Polecat | 1492 | Thomas J. Measles | 2192 |
| Ellen Seabolt | 1508 | Julia Coody | 2215 |
| Charles W. Nettles | 1509 | Sarah Crutchfield | 2224 |
| Lena Sittingdown | 1511 | Henry E. Lee | 2251 |
| Tim Creeden | 1513 | Sarah Gritts | 2256 |
| Odie Pidcock | 1517 | John A. Madden | 2261 |
| Silas A. Saterfield | 1529 | Henry C. Pennel | 2271 |
| Laura J. Jeremiah | 1530 | Matilda S. Cleland | 2302 |
| Etta Hicks | 1540 | Dona A. Frazier | 2312 |
| Mary A. B. McKinney | 1550 | Laura B. Cordrey | 2320 |

| | | | |
|-----------------------|------|------------------------|------|
| Lafayette D. Kindred | 2328 | William A. J. Trotter | 3257 |
| Pearl V. Sisson | 2339 | Albert P. Goforth | 3298 |
| Nancy J. Sevier | 2380 | Anna B. Martin | 3307 |
| Mollie Hair | 2385 | William Brown | 3344 |
| Dora Sayers | 2474 | Jennie B. Bluejacket | 3345 |
| William T. Jones | 2501 | William Little | 3377 |
| Sarah L. Martin | 2502 | Julia M. A. Russell | 3386 |
| William J. Shoemaker | 2506 | Andrew J. Smith | 3393 |
| Maud Baldrige | 2511 | William N. Blakemore | 3396 |
| James L. Townsend | 2513 | Lizzie Denton | 3417 |
| George L. Morgan | 2568 | Belle Hudson | 3435 |
| Andrew A. Brown | 2575 | Thomas S. Heady | 3437 |
| Louis K. Fair | 2623 | William M. Roseborough | 3444 |
| James L. Mitchell | 2644 | Madison G. Hawkins | 3467 |
| Martha E. McNair | 2659 | Japhat F. Ellis | 3491 |
| Millard F. Eggleston | 2668 | Emma McAffrey | 3543 |
| Elisha M. Gray | 2686 | William T. Huitt | 3570 |
| Jessie M. Ballard | 2694 | Myra F. Chouteau | 3580 |
| Annie Mayes | 2798 | Phillip Donohoo | 3581 |
| Belle Sixkiller | 2809 | Fred L. Kelley | 3593 |
| James P. Riley | 2825 | Annie Herod | 3594 |
| William Broaddus | 2854 | Maggie V. Fields | 3615 |
| William A. Martin | 2865 | Lou Payne | 3616 |
| Joseph Q. Buchanan | 2888 | Frederick W. Strout | 3692 |
| Marcellus L. Baker | 2905 | Andrew L. McCamish | 3713 |
| Etta M. Hill | 2915 | Sarah Dirtthrower | 3731 |
| John R. Smith | 2922 | William P. Coble | 3758 |
| Ira W. Wallen | 2926 | Robert L. Madison | 3761 |
| John B. Laurence | 2959 | Mariah McDowell | 3795 |
| Lula O. Hitchcock | 2961 | Elizabeth R. Thornton | 3811 |
| Bell L. Muskrat | 2975 | Donithan A. Wilson | 3841 |
| Eliza O'Field | 2977 | Charles F. Covey | 3868 |
| Margaret Suagce | 2993 | Tamsey M. Williams | 3886 |
| Winfield S. Nance | 3007 | Mary J. Wolfe | 3889 |
| Benjamin F. Kelley | 3010 | Lathan Lumbard | 3891 |
| Mollie Daugherty | 3039 | Micajah P. Haynes | 3897 |
| Charles H. Leatherman | 3043 | Annie L. Wingfield | 3903 |
| Alice A. Edwards | 3100 | Mary Fields | 3907 |
| Dorinda Adair | 3106 | William W. Dudley | 3944 |
| William R. Gray | 3118 | Minnie M. McLaughlin | 3950 |
| Dora B. Caulk | 3143 | Henry B. Lindsey | 3978 |
| Jesse M. Gallman | 3161 | Wilbert H. Parkison | 3999 |
| Martha E. Garrett | 3162 | Seth R. Hall | 4011 |
| Artie E. Large | 3164 | Wiley Hanna | 4016 |
| Andrew A. Kelley | 3191 | Martha M. Woods | 4093 |
| Anna B. Ryne | 3193 | Lizzie Gray | 4117 |
| Eliza Henderson | 3198 | Nancy C. Carey | 4131 |
| David E. Jenkins | 3212 | Annie E. Kenney | 4165 |
| Lizzie Falling | 3233 | William H. Ward | 4169 |
| Robert L. Payne | 3252 | Nannie Brewer | 4189 |

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|-----------------------|------|------------------------|------|
| 4 | | | |
| Nancy J. Kinney | 4225 | Roxie J. Ketchum | 4623 |
| Sydney E. Bell | 4232 | Lizzie Love | 4626 |
| Isaac H. Jordan | 4235 | Robert K. Wann | 4632 |
| Charles Parks | 4244 | Frederick Metzner | 4633 |
| Dora Frenchman | 4262 | John C. Bratcher | 4634 |
| James R. Fugate | 4275 | Pigrow L. Jones | 4641 |
| Maud Adams | 4277 | Ada Bertholf | 4642 |
| Elizabeth Black | 4281 | Alice Robbins | 4644 |
| Anna Thornton | 4291 | Jane Dougherty | 4649 |
| Robert T. Morrison | 4294 | Samuel Francis | 4650 |
| Perley Israel | 4295 | Clemon C. Peek | 4652 |
| William A. Long | 4304 | Mont C. Frazier | 4653 |
| Mollie Swannock | 4319 | Frank J. Mayberry | 4656 |
| Frances Guess | 4324 | Charles W. Moore | 4660 |
| Allen H. Gibson | 4327 | Jefferson D. Edmondson | 4661 |
| John McFall Jr. | 4343 | Alonzo H. Boone | 4662 |
| Albert W. Fitzsimmons | 4360 | Thomas C. Mock | 4668 |
| George S. Ford | 4386 | Sallie Allison | 4669 |
| Quinn Carr | 4387 | Elizabeth E. Burgess | 4671 |
| William A. Powell | 4390 | LaFayette Breeden | 4673 |
| Austin Hasley | 4400 | James M. Boling | 4676 |
| Anna Bible | 4414 | Francis A. Neilson | 4681 |
| Elizabeth Riley | 4428 | John E. Smith | 4689 |
| John P. Sudderth | 4449 | Rufus S. Steward | 4691 |
| Anderson Keen | 4450 | John L. Haddock | 4694 |
| Ida M. Adams | 4451 | Maggie O. Walkley | 4695 |
| Martha J. Randall | 4457 | George W. Talbert | 4698 |
| Mollie Conner | 4477 | Mary Miller | 4700 |
| Jane McGhee | 4491 | Henry C. White | 4707 |
| Jennie Riley | 4525 | Mattie E. Hill | 4760 |
| Hannah Randall | 4528 | Alice A. Bible | 4772 |
| Charles W. Childers | 4542 | Katie Coker | 4785 |
| Nannie B. Riley | 4543 | John Creek | 4801 |
| John W. McDaniel | 4544 | Ruby R. Bean | 4804 |
| Minnie Armstrong | 4548 | William J. Dodson | 4836 |
| Ada Chouteau | 4549 | Blackburn Reed | 4882 |
| Mary Thompson | 4571 | Viola Lowther | 4891 |
| Ota Armstrong | 4593 | William B. Ritchson | 4910 |
| Mary Spencer | 4594 | Henry D. McDonald | 4950 |
| Clarkson F. Woody | 4603 | Della McDaniel | 4956 |
| James M. McConnell | 4604 | Dorothy Rattlinggourd | 4991 |
| Annie E. Coker | 4605 | Ida McCay | 5093 |
| Jennie Long | 4606 | Henry M. Lyon | 5100 |
| Julia Gilstrap | 4607 | Alice J. Wofford | 5101 |
| Laura E. Smith | 4608 | Nancy Morris | 5137 |
| Annie Nicholas | 4609 | Ella Sullivan | 5140 |
| Minnie R. Taylor | 4611 | Winfield Williams | 5144 |
| Mary E. Rogers | 4614 | Bessie M. Smith | 5145 |
| Emma Downing | 4615 | Mary Humphrey | 5207 |
| William Steere | 4619 | Donnie Burgess | 5235 |

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| Nora B. Burgess | 5236 | William A. Polson | 5613 |
| John E. Etter | 5239 | Paulina P. Pitcher | 5614 |
| Harriette Rogers | 5240 | Charley Headrick | 5615 |
| Amanda Foreman | 5244 | William N. Stinson | 5616 |
| William H. Wells | 5261 | Lenora A. Henry | 5621 |
| John T. Gaylor | 5266 | Effie M. Adams | 5622 |
| Annie Sweeten | 5269 | John H. Shimp | 5624 |
| Rosalee Hendricks | 5278 | Thomas B. Dickson | 5625 |
| Emma Chambers | 5328 | Minnie Henry | 5628 |
| James H. Thomas | 5329 | Thomas J. Simpson | 5629 |
| Melville B. Baird | 5332 | Cap L. Lane | 5630 |
| James R. Goodall | 5356 | Reuben E. DeLozier | 5631 |
| Charles Horton | 5390 | John Heape | 5640 |
| James W. Goddard | 5417 | Perry G. Brock | 5645 |
| Dora Cox | 5425 | Mary J. Newcomb | 5650 |
| Nannie G. Alberty | 5438 | George W. Seigel | 5660 |
| Sallie Ward | 5455 | Martha A. Parks | 5666 |
| William H. Sutherlin | 5484 | Zelda C. Mills | 5674 |
| Lizzie Hall | 5487 | Lizzie Rogers | 5675 |
| Cyrus B. Essex | 5489 | Emma Pigeon | 5676 |
| Eda Taylor | 5493 | Nellie Bluejacket | 5677 |
| Laura Taylor | 5494 | Lucy Bacon | 5679 |
| Electer D. Miller | 5496 | Thomas B. Wood | 5681 |
| Emberson M. Arnold | 5498 | Asa W. Simerson | 5683 |
| Stella Henry | 5499 | William J. Kuhn | 5686 |
| William E. Oneal | 5506 | Elsie Couch | 5688 |
| John M. Sharp | 5509 | William H. Robinson | 5692 |
| John L. Davis | 5514 | Rachel Washington | 5693 |
| Sarah E. Downing | 5518 | Isaiah B. Blackwood | 5700 |
| Samantha C. Glass | 5524 | John R. Johnson | 5701 |
| Harry Jones | 5525 | Dennis W. Smith | 5702 |
| Aggie Paris | 5532 | William H. Chesnut | 5705 |
| James W. Hallford | 5535 | William H. Durham | 5707 |
| Phoebe Coker | 5537 | Albert B. Buckmaster | 5710 |
| Anthony K. Douglas | 5538 | Maud Crutchfield | 5730 |
| Joseph H. Johnson | 5541 | Joseph S. Layne | 5731 |
| Harvey O. Riggs | 5547 | Lena Bell | 5737 |
| Alice Glass | 5553 | Juan N. Corn | 5748 |
| Addison Reeves | 5566 | Robert N. Crafton | 5750 |
| Alice Coats | 5572 | Benjamin F. Coffee | 5756 |
| Julia Kidd | 5575 | Frank McSpadden | 5760 |
| William R. Greer | 5576 | Charles D. Pendleton | 5775 |
| Rosa M. Sixkiller | 5581 | Harden H. Green | 5776 |
| Nancy Inlow | 5587 | Emma J. Ward | 5778 |
| Daisey H. Owen | 5599 | Robert C. Fuller | 5781 |
| Annie R. C. Owen | 5600 | Henry F. Extine | 5796 |
| Jesse McKnight | 5602 | Ida Wyle | 5802 |
| Cicero J. Strange | 5610 | Richard L. Fite | 5815 |
| Henry Westenhaver | 5611 | Edward Lutz | 5816 |
| Emma H. Roach | 5612 | John F. Woodworth | 5829 |

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|-----------------------|------|-----------------------|------|
| Horace H. Huddleston | 5832 | George C. Duffield | 6031 |
| William R. Sartain | 5837 | Amelia Reese | 6033 |
| Joseph A. Lawrence | 5843 | Alexander West | 6036 |
| William H. Hinton | 5846 | John Tootle | 6037 |
| Joseph Lehr | 5851 | Florence G. Langley | 6038 |
| Euin M. Young | 5852 | John T. Ham | 6042 |
| Mary C. Barnes | 5853 | Mary L. Jordan | 6043 |
| Matilda Thompson | 5861 | John W. Bradshaw | 6076 |
| William W. Young | 5872 | James L. Dean | 6079 |
| Earley F. Ellis | 5874 | Amanda J. Thompson | 6082 |
| Rosa B. Alberty | 5877 | Malissa Hubbard | 6089 |
| Sarah Cannon | 5879 | Jane Benge | 6111 |
| Mamie Beck | 5887 | John D. Ryals | 6113 |
| Jack H. Merchant | 5888 | John C. DeLozier | 6119 |
| John D. Merchant | 5889 | Jessie Willis | 6118 |
| Sarah E. Ghormley | 5894 | Mary A. Clark | 6124 |
| Jerry Young | 5906 | Mary J. Tipton | 6126 |
| James H. Brickey | 5916 | Leander Newton | 6136 |
| Mary Hicks | 5919 | William A. Qualls | 6138 |
| George W. Weems | 5922 | Henderson B. Thomas | 6144 |
| Albert Crain | 5923 | Hugh T. Watkins | 6163 |
| James M. Jones | 5932 | Nancy Keys | 6172 |
| Alfred W. Shelly | 5935 | Berry Hutchins | 6186 |
| John M. Stratton | 5936 | Eli Parker | 6189 |
| Waddie Hudson | 5937 | Sarah E. Shaw | 6194 |
| Robert C. Johnson | 5939 | Julia Keys | 6211 |
| Mary T. Thompson | 5941 | Boon J. Grey | 6214 |
| Edith A. Parris | 5943 | John Grubb | 6216 |
| Addie Hubbard | 5949 | William M. Costephens | 6230 |
| John A. Lowry | 5962 | Jane Bean | 6232 |
| John R. W. Brantley | 5963 | Lillie I. Taylor | 6236 |
| James T. Carroll | 5964 | Abbie B. Adair | 6239 |
| Christopher F. Jordan | 5965 | Mack C. Watkins | 6246 |
| Minerva E. Stover | 5966 | Robert W. Murray | 6261 |
| John W. Twilley | 5967 | John G. Petty | 6269 |
| Joseph W. Mounce | 5970 | Lucinda Poorboy | 6279 |
| Cornelius P. Potter | 5971 | Sarah Mayes | 6286 |
| Amanda C. Thompson | 5972 | Henry W. Pyeatt | 6300 |
| John M. Rusk | 5976 | Isaac A. Wilson | 6308 |
| Harrison L. Hughes | 5978 | John T. Hall | 6310 |
| Silas B. Dildine | 5983 | Edward L. King | 6315 |
| Lewis M. Payne | 5985 | Katie Still | 6325 |
| Nancy Beamer | 5988 | Emmer Carlile | 6338 |
| Sarah F. Selvidge | 6002 | Bird Webster | 6347 |
| Posy F. Buckner | 6005 | Fannie Morris | 6353 |
| John A. Moreland | 6010 | Leonard Lee | 6357 |
| Alice Welch | 6015 | James R. Miller | 6362 |
| Mary C. Thompson | 6022 | James Brackett | 6370 |
| Ida Beck | 6029 | Nora Allen | 6371 |
| William R. Tittle | 6030 | John T. Washington | 6373 |

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|------------------------|------|---------------------|------|
| James J. Snider | 6375 | James L. Lee | 6717 |
| William H. Winget | 6376 | Rosa Phillips | 6723 |
| Ida R. Wilkerson | 6383 | Kate Brown | 6735 |
| George A. McBride | 6385 | Laura B. Barnett | 6743 |
| Matilda Cookson | 6387 | Elizabeth Sanders | 6745 |
| William A. Fisk | 6392 | William T. Neff | 6747 |
| William O. Ames | 6394 | William R. Scott | 6751 |
| Thomas Wilkerson | 6396 | Laura Fish | 6770 |
| Alice C. Springston | 6407 | Maggie Ketcher | 6779 |
| Fanny N. Witt | 6413 | Dora A. McDonald | 6783 |
| Lillie M. Adair | 6424 | Rosia B. Willis | 6785 |
| Mark F. Matheson | 6428 | Daniel Hubbard | 6787 |
| Ida L. Wilson | 6431 | Mary R. Tadpole | 6801 |
| George E. Marrs | 6441 | Magnus A. McSpadden | 6811 |
| Ulysses S. Reeves | 6443 | Sarah F. Pathkiller | 6824 |
| Daniel A. Smith | 6447 | Clora Twist | 6845 |
| Henry J. Dawson | 6450 | Mattie M. Welch | 6846 |
| Sarah Adair | 6452 | Cora Griffin | 6850 |
| Ida F. Wilson | 6455 | John S. Hyatt | 6853 |
| Mary E. Taylor | 6459 | Jefferson K. Tyner | 6855 |
| Catherine Henson | 6468 | Flora R. Miller | 6859 |
| Charles C. Fitzsimmons | 6471 | Lizzie Craig | 6872 |
| Mary E. Campbell | 6476 | Jacob C. Johnson | 6876 |
| Columbus N. Long | 6478 | George W. Ware | 6897 |
| Mary Wilkerson | 6480 | James B. Deatherage | 6901 |
| Myrtle Ward | 6484 | Lucinda F. Hartness | 6943 |
| Belle Manus | 6499 | Frances E. Tehee | 6961 |
| Martha E. McLain | 6508 | James M. Burt | 6965 |
| Mary A. Brown | 6517 | Rady Tipton | 6975 |
| Marion M. Ballew | 6530 | Laura Hendricks | 6976 |
| Mellie Mayfield | 6540 | Laura V. Smith | 6979 |
| Sarah Blevins | 6541 | Lorenzo C. Darnell | 6988 |
| Frank Powell | 6542 | Robert M. Mitchell | 7004 |
| Georgia Jackson | 6546 | William Henry Reeve | 7005 |
| Leonard S. Simpson | 6549 | James Pyle | 7009 |
| Almira Ussrey | 6560 | Willie Hilderbrand | 7015 |
| James McInerney | 6561 | Alice M. Roberson | 7031 |
| Fannie Carlile | 6578 | Charles Morris | 7043 |
| Sadie A. Mayfield | 6580 | Minerva J. Trent | 7051 |
| Silas A. Bryan | 6581 | John H. Keith | 7078 |
| William S. Martin | 6585 | Katie E. Ratley | 7080 |
| Emma J. Thompson | 6589 | Etta Patrick | 7081 |
| Lydia McDaniel | 6593 | Nannie Martin | 7090 |
| David W. Lamb | 6595 | Rosa B. Harris | 7094 |
| Gus R. Hart | 6603 | Samuel Brown | 7100 |
| Poca Phillips | 6632 | William H. Turner | 7101 |
| Lois E. Daniel | 6678 | Florence Mayes | 7104 |
| William W. Turner | 6689 | Maggie McCoy | 7112 |
| Lillie B. Blackstone | 6714 | Mary Belle Cordry | 7113 |
| Mary Lillard | 6715 | Benjamin Haner | 7119 |

| | | | |
|-----------------------|------|----------------------|------|
| James Maher | 7128 | Robert B. Collins | 7556 |
| Terry A. Parkinson | 7140 | Nancy I. Brown | 7579 |
| Cora L. Hanks | 7147 | Mary B. Walkingstick | 7642 |
| Otto J. Zufall | 7149 | Robert T. Kelleam | 7653 |
| Rufus M. Norman | 7155 | Mollie Morton | 7797 |
| Mary F. Foreman | 7158 | Mattie Girty | 8006 |
| Alma West | 7159 | Mack Alfred | 8015 |
| James M. Connally | 7161 | Ida Harmon | 8016 |
| Francis M. Crowell | 7163 | Ida McCoy | 8417 |
| Fannie E. McClure | 7171 | Rosie Foreman | 8903 |
| Benjamin B. Graham | 7176 | Annie Jackson | 9034 |
| Ada Phariss | 7180 | Margaret T. Langley | 9092 |
| William L. Whisenhunt | 7184 | Ida M. Davis | 9266 |
| Frances B. Perry | 7191 | Nora Crapo | 9289 |
| Philip Shultz | 7210 | Margaret Harmon | 9378 |
| Hester A. Miller | 7212 | Mary B. Langley | 9438 |
| Minnie B. Edmonds | 7213 | Ella Gravitt | 9439 |
| Eliza Jordan | 7217 | William M. Wilson | 9444 |
| William T. Ross | 7218 | David O. Scott | 9446 |
| Thomas M. Price | 7225 | Harriett Forbes | 9447 |
| James G. Wilson | 7231 | John Carver | 9449 |
| Frank Rhomar | 7263 | Thomas J. Davis | 9451 |
| John W. Thompson | 7267 | Clara M. Boudinot | 9453 |
| Melissa Booth | 7271 | Mary E. Keys | 9454 |
| Solon L. Jackson | 7273 | John G. Ainsworth | 9456 |
| Henry W. Coughran | 7282 | Mary J. Christy | 9460 |
| Sarah Ross | 7291 | Malinda Seabolt | 9462 |
| Mary S. Smith | 7322 | Mary Cumpton | 9464 |
| John A. Martin | 7323 | Mollie P. Mulkey | 9465 |
| Myrtle Robinson | 7330 | Andrew Brimmer | 9467 |
| Allen L. Buckner | 7331 | James F. Flippin | 9471 |
| James L. Goad | 7350 | William Bird | 9473 |
| Elijah Johnson | 7351 | Mollie C. Forbes | 9476 |
| Mary E. Kimbrough | 7360 | William H. Thomason | 9478 |
| Jennie Burr | 7367 | Mollie Devine | 9481 |
| Kiasay Sapsucker | 7378 | Mary P. Guthrie | 9482 |
| Sarah J. Johnson | 7394 | Detlev N. Leerskov | 9484 |
| William I. Branan | 7409 | Nannie Cowart | 9485 |
| Wyatte T. Brady | 7412 | Leona Catcher | 9489 |
| Lena O. Holderman | 7413 | Alexander B. Clapp | 9502 |
| Mary F. Hummingbird | 7420 | Tennie Sanders | 9503 |
| Bertha A. Allen | 7425 | Virgil A. Wiltshire | 9505 |
| Robert J. Tyner | 7426 | Joshua K. Carr | 9510 |
| Fannie B. Martin | 7434 | Herbert Kneeland | 9518 |
| Myrtle Wolfe | 7435 | Hugh E. Hope | 9519 |
| Mary Blevins | 7479 | Thomas J. Ritter | 9522 |
| Sarah Ketcher | 7488 | Martha Baldridge | 9529 |
| Charles D. England | 7512 | James R. Poindexter | 9535 |
| May Cochran | 7544 | Maud Foreman | 9539 |
| Rebecca Oglesby | 7549 | Belle Bryant | 9542 |

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|------------------------|------|--------------------------|-------|
| Joseph P. Smith | 9550 | William G. Brown | 9879 |
| George E. Watkins | 9552 | John B. Delay | 9881 |
| Florence Henry | 9553 | Pairlee Thompson | 9882 |
| Jesse H. Johnson | 9560 | Guenther W. Werther | 9883 |
| Lydia B. Barger | 9561 | Margaret Crittenden | 9884 |
| Mary Jane Thomas | 9562 | Moses L. Morris | 9889 |
| James F. Petty | 9563 | Sarah L. Rogers | 9891 |
| Laura McCrary | 9566 | Stephen Duncan | 9892 |
| Joel D. Smith | 9568 | Gideon D. Sleeper | 9895 |
| William T. Cave | 9572 | William A. Maddin | 9896 |
| William Bugher | 9577 | John H. Horton | 9904 |
| James M. Smith | 9582 | Howe L. Rogers | 9905 |
| John E. Nazworthy | 9583 | William Rush | 9912 |
| Beverly L. Lafon | 9587 | George W. Edens | 9916 |
| Robert L. Gentry | 9590 | William H. Hall | 9920 |
| John C. Barker | 9591 | Edith B. Pheasant | 9935 |
| John P. Greenwood | 9593 | Carrie A. Collins | 9936 |
| Henry Hayes | 9596 | Lucinda Spriggs | 9937 |
| Ella Cornwell | 9598 | Ella F. Hail | 9939 |
| Asa A. Hedrick | 9599 | John W. Harris | 9949 |
| William C. M. Robinson | 9600 | Hannah Raper | 9942 |
| Woodrow Hadley | 9612 | John J. Coughran | 9945 |
| William T. Gregory | 9613 | Youra F. Waybourn | 9946 |
| Charles M. Keys | 9616 | Louisa J. Taylor | 9947 |
| Bate O. Reed | 9618 | William M. Evans | 9948 |
| Joseph E. Feland | 9623 | William F. Pierce | 9940 |
| Florence C. Smith | 9625 | May F. Chambers | 9950 |
| Charles M. Cox | 9630 | Albert Stevenson | 9954 |
| Otis S. Skidmore | 9634 | Henry Kiefer | 9955 |
| William H. Hundley | 9635 | Sarah Bean | 9956 |
| Thomas A. McDonald | 9636 | Zeno M. Cox | 9964 |
| Annie Sanders | 9638 | Jerusha E. Blair | 9965 |
| Mack H. Martin | 9640 | Elias Kyle | 9991 |
| Mary Ward | 9653 | Ida Cushman | 9992 |
| George Givens | 9658 | James W. Fleming | 9994 |
| Pheney Poorboy | 9660 | Samuel Holmes | 9995 |
| Charley Kiper | 9671 | Walter H. Talley | 9997 |
| Andrew J. Snider | 9672 | Hannah J. Miller | 9998 |
| William T. Barton | 9684 | Clara V. Ward | 10002 |
| Daniel Crail | 9770 | Stephen W. Pittsenberger | 10005 |
| Mary M. Motte | 9771 | Mary E. Palmour | 10008 |
| Lecia E. Herrin | 9854 | William T. Partin | 10011 |
| Gailen E. Carrick | 9855 | Nellie Fields | 10013 |
| Rosa B. Barger | 9857 | Sarah A. Dawes | 10015 |
| Rachel Foreman | 9858 | Willard E. Hutchins | 10016 |
| Serepta C. Willis | 9861 | Jesse Talbert | 10020 |
| Virgie Seabolt | 9864 | Julia E. Setser | 10021 |
| Annie Cannon | 9867 | Amanda E. Howell | 10022 |
| Ianbella McCoy | 9874 | Mamie J. Rogers | 10023 |
| Robert E. Dry | 9875 | Nannie Rogers | 10024 |

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|-----------------------|-------|----------------------|-------|
| James B. Bradshaw | 10025 | Millie A. Carnes | 10113 |
| Ida L. White | 10026 | Lucy E. Robards | 10114 |
| Addie B. Miller | 10027 | Edward H. Fitzgerald | 10115 |
| William R. Condry | 10028 | John T. Pickard | 10117 |
| James D. Canary | 10029 | Charles Rains | 10118 |
| John Kelley | 10031 | Nancy Mayfield | 10123 |
| Kate Craig | 10033 | Anna B. Tittle | 10124 |
| John A. Butts | 10034 | Richard A. Clark | 10126 |
| John J. Dameron | 10035 | Emma B. Martin | 10128 |
| William Warner | 10036 | Walter L. Bates | 10129 |
| George A. Allen | 10037 | Nellie Brewer | 10130 |
| Watie Shetley | 10038 | William Heffernan | 10131 |
| John E. Carter | 10039 | Levi Ackley | 10132 |
| John M. Boyd | 10043 | Bessie Davis | 10133 |
| William Fister | 10047 | Eva Brackett | 10135 |
| Darius B. Troth | 10049 | Caleba Carnes | 10136 |
| Harry A. Kelley | 10050 | Jackie M. Waybourn | 10138 |
| Mary E. Purcell | 10051 | Minnie Shutt | 10139 |
| Myron L. Bronson | 10052 | Charles L. McClure | 10140 |
| George W. Taylor | 10053 | William W. Russell | 10141 |
| Josie Lowther | 10054 | Delia Jenkins | 10142 |
| Fannie D. Perry | 10055 | John A. Hood | 10143 |
| Minnie B. Williams | 10056 | Oba Maxfield | 10145 |
| Solomon Copeland | 10058 | Mary L. Cloud | 10146 |
| Etha B. Wood | 10059 | Callie Inlow | 10147 |
| James Pace | 10060 | Everett M. Lowrence | 10148 |
| Wiley B. McElhaney | 10062 | Dora E. Hays | 10150 |
| Nancy Patrick | 10063 | Julia M. Schrimsher | 10151 |
| James R. Stout | 10072 | Parmelia E. Lyman | 10153 |
| George Parker | 10073 | Charles F. Trickey | 10161 |
| Laura Morton | 10074 | Louisa J. Palmour | 10169 |
| John D. Kelly | 10075 | George L. Walker | 10170 |
| Nettie Swift | 10078 | Annie Taylor | 10171 |
| Maggie Baldrige | 10079 | Josie Winters Hall | 10174 |
| David R. Stubblefield | 10080 | Alice Nichols | 10181 |
| Thomas J. C. Thompson | 10081 | Lizzie Dry | 10182 |
| Cora P. Harlan | 10082 | Emma Murray | 10183 |
| William L. Singleton | 10083 | Annie Winton | 10187 |
| Lester Evans | 10084 | Marian Evans | 10188 |
| Ellen Mayfield | 10085 | Elizabeth J. McClain | 10192 |
| Ella Bray | 10087 | Eliza J. Price | 10199 |
| David J. Matthews | 10094 | Rissie Still | 10200 |
| Thomas Brown | 10100 | Hannah E. Langley | 10201 |
| Houston J. Payne | 10103 | Alma Keith | 10203 |
| Malinda E. Scudder | 10104 | Flora A. Terrill | 10204 |
| Henry Odell | 10105 | Talesphora A. Pardee | 10205 |
| Fred Macy | 10107 | Samuel Shadix | 10206 |
| Mary Russell | 10108 | Mary E. Childers | 10207 |
| Thomas B. Brown | 10109 | Robert M. Hamilton | 10208 |
| Samuel L. Milligan | 10111 | Julia Billingslea | 10209 |

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|----------------------|-------|-----------------------|-------|
| Nannie Martin | 10210 | Joseph Reed | D 408 |
| Sarah A. Fields | 10214 | Adolphus J. Hallum | D 483 |
| Susie Henderson | 10216 | Alexander Walker | D 490 |
| Charles H. Rienhardt | 10218 | Albert J. High | D 491 |
| William H. Watkins | 10221 | America Matoy | D 501 |
| Frank M. Rucker | 10222 | Moses L. Grazier | D 503 |
| Henry C. Reed | 10224 | Myrtle Hall | D 509 |
| Laura B. Timberlake | 10226 | Wallace Thursday | D 544 |
| George A. Brown | 10228 | Thomas W. Baker | D 546 |
| Drucilla Lowrey | 10232 | Mattie E. Keys | D 550 |
| Almira Mouse | D 9 | William S. Edwards | D 560 |
| Lenora Prather | D 16 | Susan L. Reed | D 572 |
| Andrew M. Cooter | D 17 | William H. Lyman | D 574 |
| Martin L. Stokes | D 28 | Gracia Davis | D 577 |
| Petes Walters | D 44 | Edward C. Bolen | D 582 |
| Columbus M. Reeves | D 58 | Dora Guthrie | D 585 |
| Sarah Barnes | D 103 | Samuel H. Hawkins | D 594 |
| George T. Kiddy | D 108 | Lula M. Purcell | D 600 |
| Henry C. Agent | D 139 | Ben Estes | D 603 |
| Joseph Phipps | D 147 | Thomas M. Reynolds | D 621 |
| Henry Hilton | D 149 | Arthur Dodge | D 622 |
| David A. McGlamery | D 161 | Carrie L. McNair | D 624 |
| Maggie Doublehead | D 169 | Constantine N. Walker | D 641 |
| Annie Lovett | D 180 | Joseph Davis | D 648 |
| Nora Hood | D 184 | Leander A. Keys | D 650 |
| John A. Johnson | D 232 | James J. Barndollar | D 655 |
| Nathaniel G. Simpson | D 242 | Nathan J. Brink | D 682 |
| Oncico W. Head | D 244 | William S. Miles | D 688 |
| Etta Taylor | D 245 | Emma Waybourn | D 698 |
| Susan V. Sullivan | D 262 | Dora E. Rogers | D 708 |
| Levi H. Tackett | D 263 | James W. Turley | D 709 |
| William H. Connelley | D 264 | Lizzie Ward | D 711 |
| Julia A. Sullivan | D 284 | Robert J. Holly | D 713 |
| May Fields | D 297 | Belle I. Quinton | D 728 |
| Katie Hummingbird | D 308 | Francis M. Boothe | D 734 |
| William F. Sager | D 320 | Amos W. Lord | D 746 |
| Lovick P. Garrison | D 334 | Agnes N. Childers | D 749 |
| Henry Grubb | D 338 | John E. Renfrow | D 752 |
| Lucy F. Lacey | D 340 | William Coon | D 759 |
| Callie Blevins | D 341 | Louis Bruere | D 779 |
| James S. Alfrey | D 355 | Georgia A. Waybourn | D 786 |
| Shadrack C. Wallen | D 368 | Eliza Fields | D 787 |
| Ada Hall | D 376 | William H. Brown | D 788 |
| Jane M. Hicks | D 396 | William A. Cox | D 793 |
| Fannie L. Dupree | D 403 | Charles A. Robison | D 799 |
| Willis Battles, Jr. | D 404 | Artha Williams | D 800 |
| Joshua W. Ellis | D 413 | Adam Gearhart | D 806 |
| Nina B. Owen | D 450 | Cicero F. Rogers | D 855 |
| John M. Ridenour | D 458 | Annie Garrett | D 856 |
| Emery S. Thompson | D 464 | George S. Yarborough | D 875 |

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|-----------------------|--------|----------------------|--------|
| Rhoda A. Sanders | D 878 | Ella Vann | D 1320 |
| Manuel Spencer | D 884 | Linnie Wofford | D 1330 |
| Benjamin H. Hulbert | D 891 | Minnie Downing | D 1332 |
| Mary Brassfield | D 935 | Katie Rider | D 1334 |
| James L. Tindle | D 944 | Samuel G. Mills | D 1337 |
| Silas G. Reneckar | D 966 | Alfred H. Woods | D 1342 |
| Eliza Wofford | D 967 | Cynthia Whitekiller | D 1352 |
| Jasper L. Newton | D 971 | Susie McSpadden | D 1361 |
| John N. Guinn | D 974 | Martha J. Houston | D 1363 |
| Hannah Parson | D 989 | Samuel M. Collier | D 1367 |
| Nellie C. Helterbrand | D 1003 | Katy Payne | D 1369 |
| Thomas J. Welch, Jr. | D 1006 | Joseph H. Warren | D 1275 |
| Lizzie Christian | D 1010 | Mattie Miller | D 1433 |
| George Hazlewood | D 1013 | S. F. Moore | D 1434 |
| James M. Jones | D 1022 | Addie Schrimsher | D 1448 |
| Reuben A. Evans | D 1032 | Fannie Vann | D 1458 |
| Carrie H. Cobb | D 1049 | Marcella Blakeney | D 1474 |
| John M. Burns | D 1069 | G. W. Williamson | D 1555 |
| Sarah E. Henson | D 1083 | C. F. Walker | D 1558 |
| Laura D. Henson | D 1086 | Louisa Blevins | D 1567 |
| Hettie E. Downing | D 1090 | Frank Cowles | D 1581 |
| Benjamin F. Crain | D 1099 | Mary Francis Madding | D 1637 |
| Benjamin Strickler | D 1129 | Thomas Rodman | D 1661 |
| Nancy Spaniard | D 1130 | Katie Still | D 1866 |
| Annie Wilson | D 1131 | Ira Creach | D 1913 |
| Ora H. Maxwell | D 1135 | D. A. Mounts | D 1967 |
| Reuben W. Moore | D 1136 | J. C. Sefton | D 1991 |
| Cora Childs | D 1146 | Jennie Holland | D 2024 |
| Janie Hughes | D 1179 | Lou Sanders | D 2216 |
| Francis B. Reid | D 1180 | Caroline Barnes | D 2591 |
| Martha Carey | D 1195 | Lacey Crane | D 2592 |
| Christina Johnson | D 1199 | Daisy Cash | D 2595 |
| Louvenia Ironside | D 1208 | Hiram A. Landers | D 2599 |
| Martha J. Henson | D 1218 | Charles Neel | D 2603 |
| David A. Martin | D 1228 | Mattie Robinson | D 2605 |
| Fred D. McEnery | D 1235 | Jennie Rich | D 2606 |
| Nathaniel R. Martin | D 1261 | Alexander C. Russell | D 2607 |
| James H. Requa | D 1266 | Pricilla Ross | D 2608 |
| Frank Carver | D 1267 | Tom W. Reeves | D 2609 |
| Etta B. Payne | D 1270 | Mary Smart | D 2612 |
| Mary Garrett | D 1271 | Rufus Tidmore | D 2613 |
| Joe W. Goodman | D 1272 | Jasper Turquitt | D 2614 |
| Mathew J. Flanigan | D 1274 | Mabel West | D 2618 |
| Lizzie C. Holland | D 1285 | Ophelia West | D 2619 |
| Etta Downing | D 1291 | Cora Whisenhunt | D 2620 |
| William Caywood | D 1296 | Katy Martin | D 2667 |
| Clarence W. Turner | D 1307 | Willis Butler | D 2686 |
| Alfred Chaney | D 1313 | Claud Barger | D 2687 |
| Euphemia Sweetwater | D 1314 | Disie Conner | D 2698 |
| Etta Russell | D 1319 | John Culwell | D 2699 |

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| Herbert F. Couch | D 2700 | Samuel A. Parkhurst | D 2821 |
| Albert C. Dykes | D 2703 | Ellen Rogers | D 2822 |
| Delora Drew | D 2704 | Elijah Rolland | D 2827 |
| Frank F. Danderson | D 2705 | Endora Steele | D 2828 |
| James Gafford | D 2708 | William M. Stucker | D 2829 |
| Anna L. Harlin | D 2715 | Sallie Tauuneacie | D 2831 |
| William R. Lipsey | D 2717 | Mary Tassle | D 2832 |
| Bertha Landrum | D 2718 | John F. Wolf | D 2835 |
| Lila More | D 2722 | Ruth A. Ward | D 2840 |
| John D. Mathews | D 2723 | Winnie Daugherty | D 2884 |
| Mary McIntosh | D 2725 | Mary Guthrie | D 2885 |
| Bertha Nidiffer | D 2730 | Lydia Long | D 2886 |
| Richard Nichols | D 2731 | Edda Roberts | D 2887 |
| William S. Ross | D 2738 | Manda Ward | D 2889 |
| Frederic Riley | D 2739 | Elmira J. Alberty | D 2905 |
| William H. Rowley | D 2740 | Thomas C. Cordray | D 2906 |
| Colombus C. Scroggins | D 2741 | Edward Fowler | D 2907 |
| Della Summers | D 2743 | Dora Foreman | D 2908 |
| William S. Sage | D 2744 | Parker Holt | D 2909 |
| Eliza Thomas | D 2748 | John Haston | D 2910 |
| John P. Thurman | D 2749 | Georgie Harlin | D 2911 |
| Mary E. Davis | D 2770 | Percillia Johnson | D 2913 |
| Jessie Frick | D 2774 | Bettie Morton | D 2915 |
| Enna Buffington | D 2788 | Samantha Spade | D 2917 |
| Will Black | D 2789 | Mariah Ward | D 2918 |
| Maggie E. Davis | D 2792 | Ellen Watt | D 2919 |
| Thomas Dotts | D 2793 | Nora Morten | D 2920 |
| William Daws | D 2794 | Lizzie Anderson | D 2981 |
| Nancy Dawson | D 2796 | Francis Duval | D 2984 |
| Lena Fields | D 2797 | Wade S. Hayes | D 2987 |
| Effie Grayham | D 2798 | James A. Hankins | D 2988 |
| Alice C. Hill | D 2799 | Joseph Hardee | D 2991 |
| Bertha H. Harlin | D 2800 | Tennie Horn | D 2992 |
| Margrett C. Hudson | D 2801 | Eveline Hall | D 2993 |
| Joseph A. Kelley | D 2803 | John E. Leftwich | D 2995 |
| Andrew O. Kepler | D 2804 | Mattie Henson | D 2994 |
| Josephine King | D 2805 | John D. Colvard | D 2998 |
| Sarah Jane Birdsong | D 2806 | Charles W. Phillips | D 2999 |
| Marion Maddox | D 2807 | Sarah Shanks | D 3000 |
| John A. McKenzie | D 2808 | Nettie Young | D 3009 |
| Ione McGee | D 2809 | Jerry P. Ables | D 3048 |
| Ollie Miller | D 2810 | Almedie Ross | D 3052 |
| William A. Martin | D 2811 | John S. J. Fowler | D 3055 |
| Jesse P. Morrow | D 2812 | Leaner Hood | D 3056 |
| Oliver Mason | D 2813 | James D. Jackson | D 3057 |
| Edna Whitehead | D 2814 | Emma G. Nelson | D 3058 |
| Charley Nuckolls | D 2815 | Alice Simco | D 3059 |
| Etta M. Nidiffer | D 2817 | George O. Wallace | D 3060 |
| Louizer Ossowee | D 2818 | Fannie Clay | D 3078 |
| William H. Patterson | D 2820 | Ellen Drew | D 3079 |

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| Lue Fish | D 3081 | Della Baldridge | R 105 |
| Horace Gray | D 3082 | Samuel Richey | R 107 |
| Lula Pack | D 3083 | Malissa Fields | R 144 |
| Lelia C. Harris | D 3084 | Fred Zimmerman | R 220 |
| Thomas Jones | D 3086 | Ella Anspach | R 241 |
| Benjamin Laws | D 3088 | Michael R. Mizer | R 266 |
| Martha Spade | D 3092 | Belle A. Powell | R 352 |
| Julian Wyrick | D 3093 | Austin L. Hill | R 420 |
| Samuel Harlan | D 3157 | Mary L. Dudley | R 439 |
| Lizzie Phariss | D 3171 | Stephen Hazlett | R 465 |
| Jack Michael | D 3172 | Mary A. Payne | R 484 |
| Sarah E. Davis | D 3176 | Rebecca Bengé | R 563 |
| Grace Guthrie | D 3181 | Sarah Wilson | R 613 |
| Mary E. Thornton | D 3183 | Dora Crane | R 628 |
| Mamie Thompson | R 4 | Andrew Sitrell | R 642 |
| Jimmie G. Thompson | R 5 | John Sitrell | R 642 |
| William T. Kelly | R 10 | Lillie May Wilson | R 643 |
| Alice Tidwell | R 19 | Ollie A. Barger | R 656 |
| Rosenna McLaughlin | R 41 | Ida Hawkins | R 671 |
| Martha A. Perdue | R 45 | Lizzie Davis | R 761 |
| Gabriel L. Payne | R 61 | Clara M. Emmons | R 803 |

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Cher R 1029

Trans from Cher D 77

Cher R 1029

CHEROKEES BY BLOOD AND ADOPTION.

23-
 Name Isaac Neal
 District GOING SNAKE.
 Citizen by blood CHEROKEE. Mother's citizenship W. S.
 Date August 3- 1900.
 Table Book 29.
 Year 1896 Page 825- No. 159

Intermarried citizen

Married under what law

Date of marriage..

License

Certificate

Wife's name

District

Year

Page

No.

Citizen by blood

~~Mother's citizenship~~

Intermarried citizen

Married under what law

Date of marriage

License

~~Certificate~~

Names of Children:

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. _____ Year _____ Page _____ No. _____ Age _____

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Dist. Year Page No. Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

Dist. Year Page No. Age

Dist. _____ Year _____ Page _____ No. _____ Age _____

Certificate of admission and
evidence of marriage to be
supplied.

Muskogee

Indian Territory, 5/1 1905

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in

C 40 1/1

Isaac Speal

Hart & O'Hare

Attorney for Applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Bunch, I. T., August 3, 1900.

In the matter of the application of Isaac Neal et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testifies as follows:

- Q What is your full name? A Isaac Neal.
Q How old are you? A Twenty-five years old.
Q What is your post-office address? A Tahlequah.
Q What is your district? A Tahlequah District.
Q How long have you lived in Tahlequah District? A Off and on ever since 1894.
Q How long have you lived in the Cherokee Nation? A Ever since 1893.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.
Q What rolls are you on? A I enrolled there at Tahlequah.
Q When? A Last Dawes Commission.
Q Did you apply as a Cherokee by blood? A No sir, I am adopted.
Q How and when were you adopted? A In 1894 by the action of the Cherokee authorities.
Q Have you got your certificate of adoption? A No sir.
Q Do you apply for anybody except yourself? A My wife.
Q That all? A That's all.
Q No children? A No sir, I had three, but they are dead.
Q Is your wife a Cherokee by blood? A Yes sir. She is Cherokee by blood.
Q Where did you live before you came to the nation? A I came from Washington County, Arkansas.
Q Do you claim to have been admitted by the action of the Cherokee council or committee on citizenship? A Yes sir.
Q Are you sure whether you were accepted by the action of the Cherokee authorities, or whether you are simply an intermarried Cherokee? A No sir, I was accepted, I went and put my marriage certificate in before them.
Q Did you have anything to do with any certificate except your marriage certificate? A No sir.
Q Is that the only time you have had anything to do with papers about citizenship in the Cherokee nation? A No sir, I have been enrolled with the rest of them.
Q You never had any certificate saying that you were a Cherokee citizen? A Yes sir.
Q What did you do with it? A It's at home.
Q Was that connected with your marriage certificate? A Yes sir.
Q When you say you have got a certificate at home you mean you have got a marriage certificate? A Yes sir, I mean that.
Q I am asking you if you have got a certificate admitting you as a Cherokee citizen, under the Great Seal of the Nation, and signed by the chief of the Nation and the members of the committee on citizenship? A Yes sir, I have got that.
Q Separate and apart from your marriage certificate? A Yes sir.
Q And you think that you were admitted by action of the Cherokee parties in 1894? A Yes sir.
Q Are you on the roll of 1894 and the roll of 1896? A Yes sir.

Note: 1894 roll examined and name not found.

1896 roll, page 825 #119 Isaac Neal Geingsawake District.

- Q What's your wife's name? A Annie Neal.
Q How old is she? A Eighteen now.
Q When were you married? A ~~Married~~ Married in 1894.
Q What was her name when you married her? A Cloud.
Q What district did she live in before her marriage to you?
A She lived in Geingsawake District when we married.

Note: 1894 roll, page 737 #2000 Annie Cloud, Geingsawake Dist.

Isaac Neal et al #2

Q What was her father's name? A Henry Cloud.
 Q Was he living in 1894? A No sir.
 Q Was her mother living in 1894? A No sir.
 Q Did she have and brothers or sisters living in 1894?
 A Not as I know of.
 Note: 1896 roll, page 772 #1501 Annie Neal, Goingsmake Dist
 Q What was her mother's name? A I don't know.
 Q Have you a certificate of marriage? A Yes sir, I haven't
 got it with me.

--
 Simon R. Walkingstick, being sworn and examined by Commis-
 sioner Brockinridge, testifies as follows:

Q What is your full name? A Simon R. Walkingstick.
 Q You are employed by this Commission? A Yes sir.
 Q Do you know Annie Cloud, the woman this man claims as his wife?
 A Yes sir.
 Q Did you know her mother? A No sir.
 Q Did you know her father? A No.
 Q Did you know this woman when she was a Cloud, as an orphan?
 A Yes sir, I knew her as an orphan.
 Q What proportion of Cherokee blood, if any, would you say that
 she has? A Why a half-breed I think.
 Q You think there is no question about her being of Cherokee
 origin? A No sir, no question about that.
 Q Have you known her since her marriage to this applicant, Isaac
 Neal? A Yes sir.
 Q Do you know that they live together as husband and wife?
 A Yes sir, I have so understood.
 Q How long have you understood them to be married? A Several
 years. I couldn't say just what length of time. (Applicant re-called
 Q You say you have lived in the Cherokee Nation since 1893?
 A Yes sir.
 Q Before that time you lived in Washington County Arkansas?
 A I was raised in Washington County, Arkansas.
 Q What proportion of Cherokee blood do you claim? A I don't
 know.
 Q Was it your mother or your father that had Cherokee blood?
 A Father.
 Q Your mother was a white woman? A Yes sir.
 Q Have you made your home in the Cherokee Nation all the time
 since 1893? A Yes sir. I haven't been outside the Cher-
 okes line except about a week when I went down to Vena, Arkansas,
 to work down there.
 Q Have you lived with your wife ever since your marriage to her
 in 1894? A Yes sir.
 Q And you and she are living together at this time? A Yes sir.
 Q Has she made her home in the Cherokee Nation ever since you
 know where? A Yes sir.

Com'r Brockinridge: Your wife is duly identified on the roll
 of 1894 and also on the roll of 1896, and she is identified by
 satisfactory personal testimony as a woman of Cherokee origin, and
 doubtless a full-blood, of the Cherokee Nation. She is identified
 under her maiden name and under her married name, and your wife,
 Anne Neal, will now be enrolled as a Cherokee by blood.

Now as for your own enrollment, you do not produce satisfactory
 testimony at this time. You are identified on the roll of 1896
 and we have jurisdiction over your case. You say that you were
 admitted to citizenship by the Cherokee authorities in 1894. If
 you were so admitted, it would be well for you to write to the proper
 authorities at Tahlequah and get a duly certified copy of the cer-
 tificate of admission that you speak of, and send that to this Com-
 mission at its offices at Muskogee. If you were not so admitted,

Isaac Neal et al #3

It will be necessary for you to send to this commission at Muskogee a duly certified copy ~~of~~ or the original ~~document~~ if you have it, of your marriage license and of your certificate of marriage, and then your enrollment would depend upon the date and character of that marriage license and certificate. Your application at present will be put upon a doubtful card, and will be held for ~~these~~ these two papers. When the decision is reached you will be duly informed at your present post-office address.

Commissioner to the Five Civilized Tribes
K. D. GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

M. D. Green
Subscribed and sworn to before me this 6th day of August 1900.

[Signature]
Commissioner.

a- 1677

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 7 1900

ACTING CHAIRMAN

Cher. D-77.

Marriage License.

Cherokee Nation, Goingsnake District.
To any person legally authorized, Greeting:
You are hereby authorized join in the holy bonds of matrimony and celebrate the rites and ceremonies between Mr. Isaac Neal, a citizen of the United States, and Miss Annie Caud, a citizen of the Cherokee Nation, and you are required to return this license to me for record within thirty days from the celebration from such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office this 26th day of Nov. 1894.

W. W. Wright,
Clerk Goingsnake Dist. C. N.

Isaac Neal and Annie Caud, this is to certify that I have this day 3rd day of Dec. 1894, joined together in the holy bonds of matrimony Mr. Isaac Neal, a citizen of the U. S., and Miss Annie Caud, a Cherokee.

J. M. Starr,
Officiating.

Recording this this 10th day Dec. 94.

W. W. Wright,
Clerk Goingsnake Dist. C. N.

I, A. B. Cunningham, Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true and correct copy of the record as found on Page 242 of the Marriage Record of Goingsnake District, now on file in the office of the Executive Secretary of the Cherokee Nation.

A. B. Cunningham
Assistant Executive Secretary.

COMMISSIONERS

HENRY L. DAWES
TAMM HIXBY
THOMAS B. NEEDLES
C. K. BRICKNIDDER

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31

1902

Mr. Isaac Neal,

Tahlequah, Indian Territory.

Sir:

You are hereby notified that the application of yourself

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 16th day of February, 1902.

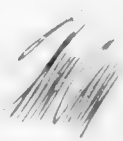
On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with a certificate of your readmission to Cherokee citizenship, or a copy of your Cherokee marriage license and certificate.

Cherokee 34-77
Register.

Yours truly,



Acting Chairman.

Supl.-C.D.#77.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL in the matter of the enrollment of ISAAC NEAL as
a citizen of the Cherokee Nation:

Applicant was notified by registered letter January 31, 1902, that his case would be taken up for final consideration by the Commission on the 17th day of February, 1902, and that he would on said date be given an opportunity to introduce any additional testimony affecting his case, and he was also requested to supply the Commission with a certificate of his readmission to citizenship in the Cherokee Nation. Also the original or certificate copy of his marriage license and certificate. The applicant has been called three times and fails to respond either in person or by attorney and the case is closed.

C. D. Buckinridge

J. O. R.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Isaac Neal as a citizen by blood of the Cherokee Nation.

O R D E R

THE RECORDS OF THIS OFFICE SHOW: That at Bunch, Indian Territory, August 3, 1900, Isaac Neal appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Cherokee Nation. The records further show that said Isaac Neal is identified on the Cherokee census roll of 1896.

Since the application was received by the Commission to the Five Civilized Tribes for the enrollment of said Isaac Neal, as a citizen of the Cherokee Nation, the Commission and the Commissioner to the Five Civilized Tribes have diligently sought information which would enable them to determine whether or not said applicant was living September 1, 1902, and if so, whether or not he was entitled to enrollment on that date. No information has been obtained tending to show the status of said Isaac Neal on September 1, 1902.

IT IS, THEREFORE, ORDERED: That the application for the enrollment of Isaac Neal as a citizen of the Cherokee Nation, be, and the same is, hereby, dismissed.



Commissioner

Dated at Muskogee, Indian Territory,
this FEB 28 1907

Cherokee
D 77

Muskogee, Indian Territory, March 15, 1907

Isaac Neal,

Fort Gibson, Indian Territory.

Dear Sir:

In reply to your letter of March 1, 1907, asking to be advised as to the status of your application for enrollment as a citizen of the Cherokee Nation, you are advised that the application of one Isaac Neal for enrollment as a citizen by blood of the Cherokee Nation was dismissed by the Commissioner on February 28, 1907.

Respectfully,

L MB

Commissioner

Cher R 1030

Trans from Cher D82

Cher R 1030

P-

DEPARTMENT OF THE ARMY
COMMISSION TO THE

FILED

AUG 6 1960

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 16 1901


ACTING CHAIRMAN

Sequoyah District
Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date *Nov. 16* 190*4*.

Name *Salusol, S. S.*

District _____ Year _____ Page *A* No. _____

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

1. Wife's name *Sarah to Brackett* *Salusol, S. S.*

District *Sequoyah* Year *1896* Page *1051* No. *66*

Citizen by blood *yes 1/8* Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License _____ Certificate _____

Names of Children:

| | | | | | |
|-----------------|-------------|------------|----------------|---------------|---------------|
| <i>Oliver W</i> | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| <i>John</i> | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| <i>William</i> | Dist. _____ | Year _____ | Page <i>71</i> | No. <i>82</i> | Age <i>82</i> |
| | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |
| | Dist. _____ | Year _____ | Page _____ | No. _____ | Age _____ |

Application for

Intermarriage, M. R. Green



Proof of admission to citizenship required

C. H. S. v

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 6, 1900.

In the matter of the application of Daniel Brackett for enrollment as a Cherokee citizen; being sworn and examined by Commissioner Needles he testifies as follows:

- Q What is your name? A Daniel Brackett.
- Q What is your age? A About fifty-one.
- Q What is your post office address? A Sallisaw.
- Q Have you ever been recognized by the Cherokee authorities as a Cherokee citizen? A Yes sir.
- Q Your name appear upon the rolls of the Cherokee Nation? A Yes sir.
- Q In what district do you live? A I live in this District, Sequoyah.
- Q How long have you lived in Sequoyah District? A I have lived here five years.
- Q Where did you live before that? A I lived in Flint District.
- Q How long did you live in Flint District? A I lived in Flint about five years.
- Q How long have you lived continuously in the Cherokee Nation? A Ten years.
- Q What is your father's name? A Mike Brackett.
- Q Is he living? A No sir.
- Q Did he die before 1880? A No sir.
- Q Was his name on the roll of 1880? A I don't know whether it was or not; he died in the old country.
- Q What is the name of your mother? A Cynthia.
- Q Is she living? A No sir, she died where I can recollect.
- Q Are you married? A Yes sir.
- Q What is the name of your wife? A Sarah C. Brackett.
- Q Is she a citizen? A Yes sir, I want to register her.
- Q Mr. Brackett, you present a certificate of admission to Cherokee citizenship issued by the Commission on Citizenship dated 15th day of August 1899, signed by William P. Ross, Chairman of the Committee, attested by E. S. Williams, Clerk of the Committee, approved and indorsed by J. B. Hayes, Principal Chief, under the Great Seal of the Cherokee Nation; in this certificate I find the name of Daniel Brackett, aged forty-four years; are you the identical Daniel Brackett mentioned in this certificate? A Yes sir.
- Q This certificate requires that all persons who return to and permanently locate within the limits of the Cherokee Nation shall enroll their names with the names of their family upon the date of their arrival in a book to be kept in the office of the Principal Chief, and this shall be done within one year from the date of this certificate; have you done that? A I didn't enroll; they told me it wouldn't be necessary to enroll; they taken the census roll that summer we come here. I was here inside the limits.
- Q Was you in the Cherokee Nation as a resident within one year from the date of this certificate? A Yes sir, I was at Sallisaw the 11th day of April.
- Q When were you married? A I was married in 1899.
- Q Does your name appear upon this certificate? A No sir, just me and my children.
- Q Have you any children under ten years of age? A No sir, not now.
- Q You are then applying simply for yourself? A Yes sir.
- Q As I understand, you married your wife before you was admitted? A Yes sir.
- Q And her name does not appear in here? A No sir.

Daniel Brackett #2.

1896 roll, page 1051 #65 Daniel Brackett, Sequoyan District, fifty years old.

1894 roll page 518 #264 Daniel Brackett, Flint District.

Com'r. Needles: The name of Daniel Brackett appears upon the census roll of 1896 and the pay roll of 1894; he also presents certificate of admission to Cherokee citizenship as described in the testimony now taken, and has made satisfactory proof as to his residence. And now comes the representatives of the Cherokee Nation and object to the enrollment of said Daniel Brackett, consequently final judgment as to his enrollment will be suspended, and his name will be placed upon a doubtful card.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

M. D. Green,

Subscribed and sworn to before me this 7th day of August, 1900.

T. B. Needles, --

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., November 16, 1901.

In the matter of the application of Sarah C. Brackett for the enrollment of herself as a Cherokee citizen by blood, being sworn and examined she testified as follows:

BY COMMISSION:

- Q What is your name? A Sarah C. Brackett.
- Q How old are you? A 50 years old.
- Q What is your post-office address? A Sallisaw.
- Q Haven't you been enrolled? A No sir, I aint never been before you before, this is the first time.
- Q Do you apply for enrollment as a Cherokee by blood? A Yes sir. I am a Cherokee by blood.
- Q What degree of Cherokee blood do you claim? A One-eighth or a quarter.
- Q What district are you living in in the Cherokee Nation?
- A Sequoyah.
- Q Do you apply for anyone besides yourself? A No sir, my husband there and children has all come enrolled.
- Q Where were you born? A I was born in Georgia, Union County.
- Q When did you come to the Cherokee Nation? A It will soon be 12 years since I come here.
- Q Have you ever lived here before that time? A No sir.
- Q Have you ever been recognized as a citizen of the Cherokee Nation by the tribal authorities? A Well I have since called over here an they said it was all right.
- Q Did you apply for admission to citizenship when you came here?
- A Yes sir.
- Q Have you any evidence of that admission? A I had one paper and I sent it to Washington; they said they would give me some more papers, but I never got them.
- Q Were you admitted by an act of Council or by an act of the Commission on Citizenship? A I can't tell you.
- Q Were you admitted at the same time that your husband was admitted?
- A No sir, I was not admitted at the same time he was; I went ahead and made my proof since that and they said it was all sufficient, I had done all that was required of me.
- Q How long ago was that? A About 10 years ago.
- Q Did they give you a certificate of admission? A Well they gave me a copy of it, although I called for it.
- Q Were you admitted or were you rejected? A I was not rejected, I sent it to Washington.
- Q Have you ever drawn any money from the tribal authorities of the Cherokee Nation? A Yes sir, I drew my Strip money.
- Q Is your name on the Strip payment roll of 1894? A I reckon it is.
- Q Is your name on the roll of 1896? A I aint looked at the rolls, I don't know.
- Q What is the name of your husband? A Daniel Brackett.
- Q Daniel B. isn't it? A No sir, no B. to it.
- Q How old is he? A He is about 54 years old, I reckon; he is older than I am.
- Q Is his post-office address at Sallisaw? A Yes sir.
- Q When were you married to him? A 30 some odd years ago.
- Q Have you and he been living together continuously since that time?
- A Yes sir, been living together all the while.
- Q You are living together now? A Yes sir.
- Q Is he a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Did he come to the Cherokee Nation when you came? A Yes sir, we all came at the same time.

Q Why didn't you apply for admission when your husband applied?
 A I was not here at this place at that time.
 Q Then you didn't come when your husband came? A Yes sir, I came when he came, but I wasn't here at that time.
 Q When did your husband come? A He come at the same time I come; we have been here over 12 years.
 Q What do you mean by saying you were not here? A I was not at this place.
 Q Were you in the Cherokee Nation? A No sir, I was at my old home.
 Q You came here with your husband 12 years ago? A Yes sir, not hardly 12 years it aint.
 Q And you stated awhile ago that you were not here when he made his application? A No sir, I was in the old country when our case were passed on and we were sent for and we come.
 Q Then you were admitted to citizenship before you came to the Cherokee Nation? A No sir, I was not.
 Q Your husband was? A Yes sir.
 Q How long after you came to the Cherokee Nation was it before you made application for admission? A Right the next fall.
 Q Have you got any children? A Yes sir.
 Q What are their names? A Emma Wilson, W. H. Brackett and Susan Adair.
 Q They were admitted when your husband was? A Yes sir. Now the reason mine stayed the way it did was because there was no one to get for the fitness.
 Q You were never re-married to your husband after he was admitted to citizenship? A No sir.

1896 census roll of citizens of the Cherokee Nation examined for applicant, and identified as follows:
 Page 1051, No. 68, Sarah C. Brackett, Sequoyah District, native Cherokee, (with Daniel Brackett on this roll.)

Q What district were you living in when you drew your Strip money?
 A I was living in Flint District when we drew our Strip money.
 Q Did you draw your money at the same time your husband drew his?
 A No sir.
 Q Did you draw after the payment was made? A Yes sir.
 Q You drew then by a special act of the Council, did you? A Yes sir, I did.
 BY MR. BAUGH:
 Q That is the time then that you claim you were admitted to citizenship when they gave you your Strip money, is that it?
 A I reckon so, that's the time.

1894 payment roll of citizens of the Cherokee Nation examined for applicant and name not found thereon.

Q Did you ever have a child named Alice? A No sir.
 Q Do you know any other Sarah Brackett living in the Cherokee Nation? A Yes sir, there is another Sarah Brackett besides me.
 Q Do you know any of her children? A She has just got one child.
 Q What is its name, do you know? A Winnie, Arinda I think she signs her name.

COMMISSION:

Sarah C. Brackett applies for the enrollment of herself as a Cherokee by blood. She avers that she came to the Cherokee Nation some 12 years ago from the state of Georgia, and that after she came to the Cherokee Nation that she was admitted to citizenship by the tribal authorities. No evidence of said admission is introduced at the present time. She is not identified upon the Strip payment roll of 1894. She is identified

upon the census roll of 1896 as a native Cherokee and the wife of Daniel Brackett; said Daniel Brackett has been listed for enrollment as a Cherokee by blood on doubtful card No. 82; the applicant avers that she and her husband were married some thirty years ago, and that they have been living together continuously since that time, and are living together at present. By reason of the fact that the applicant does not produce any satisfactory proof as to her admission to citizenship she will be listed for enrollment as a citizen by blood, on a doubtful card, No. 82, that being the card of her husband. It will be necessary that the applicant furnish the Commission satisfactory proof as to her admission to citizenship in the Cherokee Nation by the tribal authorities of said Nation.

SUPPLEMENTAL:

To Judgment. (Of same date.)

DANIEL BRACKETT, being sworn, and examined, testified as follows:

Present:

Applicant, Sarah C. Brackett, and husband, Daniel Brackett
J. L. Baugh, for the Cherokee Nation.

BY COMMISSION:

- Q What is your name? A Daniel Brackett.
Q How old are you? A I don't know my age exactly.
Q About how old are you? A Somewhere about 50 I reckon, 51 or 2, I don't know.
Q What is your post office address? A Callisaw.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.

BY MR. BAUGH:

- Q Mr. Brackett, are you the same Daniel Brackett that applied at Callisaw August 6, 1901 for enrollment? A Yes.
Q Is Sarah C. your wife? A Yes sir.
Q Why didn't you make application for her at the time you made application for yourself? A Why didn't I?
Q Yes sir? A I had some papers and introduced them and they showed them back to me and never so much as looked at them I don't think.
Q Did you tell the Commission that you desired to enroll your wife as a citizen of the Cherokee Nation at that time? A No sir, I didn't tell them that.
Q Why didn't you make application for your wife at that time?
A I ought to have done it but I didn't do it.
Q At that time were you cognizant of the fact that your wife had been admitted to citizenship as you claim now? A Yes, that is what they claimed here you know, that she was admitted that she had all the papers that was necessary.
Q Was there any citizenship papers ever placed in your possession?
A Not in my hands, no sir.
Q Did you ever see any? A No sir, but she came here and put them and sent them to Washington City to the Secretary.
Q Got them from the Executive Department? A Yes sir.
Q I will ask you if you applied to the Executive Department for a copy of these papers since you have been here? A Yes sir.
Q What did you find there? A They said they had no record of it.
Q No record that she had ever been admitted? A No sir.

Q No record that she had ever applied? A Yes sir, I reckon there was a record that she applied. No, I don't believe there was, Mr. Baugh; that is, her individual self you know.

Q What was the nature of those papers you sent to Washington City?
A She just sent for her removal money you know; you know those that paid their way to this country had a right to their removal money, 53 and 1/3 dollars per head.

Q Did she ever get her money? A No sir.

Q Do you know the reason why? A No sir, they wrote to her that the appropriation had give out; it was all right, but we would have to wait until more money was appropriated; that is what the Secretary said about it.

BY COMMISSION:

Q When was that Mr. Brackett, how long ago? A I don't know, I don't remember exactly, it has been about 4 or 5 years, I suppose; three or four; then they were paying out that removal money you know.

Q Did your wife actually draw the Strip money? A Yes sir.

Q What amount did she draw? A Same amount the others drew.

Q What did they draw? A About 265 and something wasn't it.

Q Was that money paid to her by act of Council? A Yes sir.

Q Have you any evidence of your marriage to your wife? A Why I could produce plenty of evidence here in the country I suppose.

Q Well, were you married in the State of Georgia? A Yes sir.

Q Then you procured a license and certificate, did you not?

A Yes sir, I could write back there I suppose to the Ordinary and get a marriage certificate if it was necessary.

BY MR. BAUGH:

Q How was this money paid to your wife? A I drew the money myself.

Q Came here to Tahlequah and got it? A Yes sir.

BY COMMISSION:

Mr. Brackett, you had better get a certified copy of the marriage license and certificate and send it to the Commission, and you should also procure a certified copy of that act of the Council paying this 265 dollars to your wife, and mail it to the Commission.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in it in case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before

this November 14, 1901.

J. C. Starr,

(Seal)

Notary Public.

Cherokee D 82.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Daniel Brackett, et al., for enrollment as Cherokee citizens.

Appearances:

James H. Huckleberry, Sr., Sallisaw, I. T. Att'y for Appl'ts.
W. W. Hastings, attorney for the Cherokee Nation.

DANIEL BRACKETT, appearing before the Commission and being sworn and examined testified as follows:

BY COMMISSION:

Q What is your name? A Daniel Brackett.
Q How old are you? A I don't know my age exactly, I am about 52 I suppose.

Q What is your post office address? A Sallisaw.

BY MR. HUCKLEBERRY:

Q I wanted to ask him about the marriage of himself and wife; whereabouts were you married? A In the State of Georgia.

Q You remember that year? A I think it was '69. I aint certain about it; I aint positive of that fact, '68 or '9, I forget which it was.

Q What was her maiden name? A Sarah Mathews.

Q Was she a Cherokee by blood? A Yes sir.

Q On which side, on the father or mother's side? A On the mother's side.

Q What was the father's name? A Jane McDaniel, Jane Mathews.

Q What was the mother's name? A Allen Mathews.

Q When did you move to this country first? A Well I have been here 12 years in April.

Q You came here in 1890 then? A Yes sir, 11th day of April, we reached Sallisaw.

Q Did you ever come here before? A No sir, I never been here before.

Q You notice that river? A Yes sir.

Q Was that delivered to you at the time? A Yes sir.

BY COMMISSION: There is offered in evidence a certificate from the Cherokee Commission on citizenship bearing date of August 16, 1889, admitting Daniel C. Brackett and others to citizenship in the Cherokee Nation, and same is filed herewith.

Q Is there anything else you desire to offer in evidence in this case? A Yes sir. (Produces papers, copies of which are found to be on file.)

BY HUCKLEBERRY: There is also a certificate we want to introduce for Mrs. Brackett. (Hands to Commission)

BY COMMISSION: There is offered in evidence a certificate from E. W. Alberty, Assistant Executive Secretary of the Cherokee Nation, certifying that the name of Sarah C. Brackett appears on number 37 in the list of persons included in an act of the Cherokee National Council entitled "An Act making appropriation for the benefit of persons residents of Tuleague District entitled from the pay rolls and from participation in the distribution of the strip fund or the last parcel of land." Same is filed.

Q Is there any further testimony that you desire to produce in this case? A No sir, we want at the same time that the matter is closed.

- Q Do you submit this case to the Commission for final consideration
MR. HUCHINBERRY: Yes sir.
APPLICANT: Yes sir.
Q Do you submit, Mr. Hastings:
MR. HASTINGS: Yes sir.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this February 19, 1902.

T. B. Needles,

Commissioner.

CERTIFICATE OF ADMISSION TO CHEROKEE CITIZENSHIP.

OF THE COMMISSION ON CITIZENSHIP.

TANLEQUAH, CHEROKEE NATION.

TO ALL WHOM IT MAY CONCERN -- GREETING:

THIS IS TO CERTIFY, That the following named, to-wit:

Daniel Brackett aged forty-four years, Emily Brackett aged seventeen years, Willey H. Brackett aged sixteen years, Susan J. Brackett aged fourteen years, Martha S. Brackett, aged twelve years,

did pursuant to the provisions of an Act of the National Council of the Cherokee Nation, approved December 8th, 1886, entitled "AN ACT providing for the appointment of a Commission to try and determine applications for Cherokee Citizenship," make such application to and before said "Commission," on the 5 day of Oct. 1890; that the proof submitted by the above named applicants in support of the said application has been found, and is hereby declared and certified to be sufficient and satisfactory to the said Commission according to the requirements of Section Seventh of said Act of the National Council and of the amendments thereto, dated February 7th, 1887, and that by virtue of such finding of fact by the Commission, and in conformity with the Fourteenth Section of said Act, the above named persons (applicants for citizenship) are, from this the date of said finding and decision of the Commission as announced and recorded, re-admitted by the National Council, as provided in said Fourteenth Section, to the rights and privileges of Cherokee citizenship under Section 2, Article 1, of the Constitution of the Cherokee Nation upon the terms and conditions set forth in the Act of December 5th, 1888, entitled "AN Act Creating a Commission on Citizenship", to-wit:

"That all persons to whom the certificates of citizenship shall be issued by the members of the Commission created by this Act, shall be required on condition precedent to the delivery of said certificates to return to and permanently locate within the limits of the Cherokee Nation, and it shall be further the duty of all such persons to enroll their names, with the names of their families (if any such), at the date of their arrival within the limits of the Nation, in a book to be kept for that purpose in the office of the Principal Chief, and no certificate of Citizenship issued by said Commission shall entitle an applicant for admission into the ~~xxx~~ Nation for (not) a longer period than one year from its date, and shall fail to become a bona fide citizen within that period."

And this certificate of the said decision of the Commission and of re-admission by Council be read and presented to the said persons accordingly.

I, WILLIAM S. WILLIAMS, I do hereby certify, as Chairman of the Commission, on this the 18th day of August, 1890.

signed, Will S. Williams,

Chairman Com. on Citizenship.

Attest: J. J. Williams,

Asst. Clerk Com. on Citizenship.

Approved and endorsed:

G. J. Williams,

Asst. Ex. Sec'y.

Principal Chief.

The undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify, that the foregoing is a true and correct copy of the original on file in this office.

Ella Wielenz.

Executive Department, Tahlequah,
Cherokee Nation.

I, B. W. Alberty, assistant Executive Secretary of the Cherokee Nation do hereby certify that the Name "Sarah C. Bracket" appears no. 37 in a list of persons included in an act of the Cherokee National Council entitled, "An Act Making appropriation for the benefit of persons resident of Tahlequah District omitted from the pay rolls and from participating in the distribution of the Strip Fund of the recent Per Capita Payment. "for each of whom an appropriation of two hundred and sixty-five (\$265.70) dollars and seventy cents is made by said act, said act bearing date and signed "

"Approved Dec. 8th, 1894.

C. J. Harris,

Seal

Principal Chief C.N.

Given by me at Tahlequah Cherokee Nation, I. T. on this 30th day of July 1900.

B. W. Alberty

Assistant Executive Secretary Cherokee Nation.

Muskogee, I. T., June 10, 1902.

I, H. M. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above ~~and foregoing~~ is a true and correct copy of a record now on file in the office of the Commission.

H. M. Vance.

U. S. r.
Suppl to D. R.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 13, 1903.

In the matter of the application of DANIEL BRACKETT, for the enrollment of himself and his wife, SARAH C. BRACKETT, as citizens by blood of the Cherokee Nation.

JOHN M. PRANNUM, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name? A John M. Prannum.
Q How old are you? A I am sixty odd.
Q What is your post office? A Sallisaw.
Q Are you a citizen of the Cherokee Nation? A No sir.
Q How long have you been living in the Cherokee Nation?
A I have been here going on ten years.
Q Do you know Sarah C. Brackett? A Yes sir.
Q Did you know her parents? A Yes sir.
Q Her father's name was Allen Mathis? A Yes sir.
Q He was a white man? A Yes sir.
Q What was her mother's name? A Jane.
Q Was she a Cherokee? A Yes sir.
Q How long have you known her? A Ever since I can recollect.
Q Where was she living? A She was living then in Georgia, of course, where she was raised at, and where I was raised at. I first knew her when I was very small in Cherokee County, North Carolina.
Q And you knew her after that in Georgia? A Yes sir. Knew her all my life up until after the war.
Q Was she a Cherokee Indian? A Yes sir, that's been my understanding always.
Q Was there any doubt about it? A No sir.
Q Did she look like an Indian? A Looked like she might be a half breed. My understanding always has been that her father was about, or pretty near, a full blood.
Q When did she come to the Cherokee Nation?
A I can't tell you just when she came, but she was here when I first came here.
Q When did you come to the Nation? A I came here, last August was nine years ago; but when I come from Texas here, I had left Georgia several years ago.
Q Was Sarah married over in Georgia? A Yes sir.
Q You were her the occasion of her marriage, do you? A
A No sir, I do not.
Q Where were they living in the Cherokee Nation when you met?
A They was living up here on Coal Creek in Illinois or Flint district, close to the line.
Q Did Sarah's mother, Jane, come with her? A I can't know.
Q When did Jane Mathis come to the Nation?
A Mr. Brackett can tell you, because she was here when I came here nine years ago.
Q Jane was? A Yes sir.
Q What district were they living in? A Flint District.
Q That was nine years ago? A Last August, yes sir.
Q Have they been living in Flint District ever since?
A No sir, they have been living the bigger portion of that time down in Sequoyah District near Sallisaw.
Q Is Jane Mathis living yet? A No sir, she's dead.
Q How long ago did she die? A She died in October.
Q About four months you think? A Yes sir.

DANIEL BRACKETT, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name? A Daniel Brackett.
Q How old are you? A I am somewhere about fifty four or five.
I don't know exactly.
Q What is your post office? A Sallisaw.
Q Are you a Cherokee by blood? A Yes sir.
Q Were you admitted to citizenship in the Cherokee Nation.
A Yes sir, I was admitted here.
Q When? A In August, 1889, I believe; my papers in here
somewheres.
Q Was your wife, Sarah admitted with you? A No sir.
Q How did that come? A I don't know how that come.
Q Did you apply for admission to citizenship? A Yes sir.
Q Yourself? A Yes sir.
Q Who did you include in your application?
A I included her and the children, or had it done you know.
Q Who was your attorney? A Gus Ivey.
Q Was that application made by you before you came here to the
Cherokee Nation? A Yes sir, it was made before I came here.
Q Do you know who was admitted with you then? A Well, my
children was admitted with me.
Q But not your wife? A No sir, she was not admitted at that time.
Q Was she admitted at any time? A They claimed she were, I don't
know, I can't tell you about that.
Q You brought her with you from Georgia, didn't you? A Yes sir.
Q She hadn't been admitted at that time? A No sir.
Q Was she admitted afterwards? A That's what they told me.
Q You would certainly know, wouldn't you? A I don't know about
that, they claimed it was done in Council.
Q What year? A That was about 1894, I reckon, somewhere along
there. I don't know exactly the date.
Q Was her mother Jane? A Yes sir.
Q She never was admitted? A No sir, not in this part of the
country.
Q When did Jane Mathis come to the Cherokee Nation?
A It must have been ten or eleven years ago, I don't know exactly
the date, she come after I come to the country.
Q You came shortly after your admission? A Yes sir.
Q What year? A In 1890.
Q Jane Mathis didn't come until after that? A No sir, she come
about the second year after I come.
Q You say she never was admitted? A No sir, she never was ad-
mitted at all. My son wrote back but they never found her papers.
Q So she never claimed citizenship in this country did she?
A She claimed it but she never did get her papers like she ought to
have had them.
Q Well, its probable then, that your wife was never admitted then,
isn't it? A It might be possible, I don't know. That's what they
told us. She went to Tallahquah and got a certificate and sent it to
the Secretary of the Interior.
Q Did Jane Mathis have any other children? A Yes sir.
Q Did any of them come with her? A No sir, one come with them,
but they have come out of the country.
Q Were they ever admitted to citizenship? A No sir.
Q Did your wife ever make any effort to be admitted after she
came here? A Yes sir.
Q Who was her attorney? A Why Gus Ivey was looking after the
business.

Cher. 82.

Q But you don't know whether she was admitted or not?
A No sir, I can't be positive about that, they told her that she had done all that was necessary.
Q Who told her that? A Parties told her that, up yonder at Tahlequah you know. She went back after that and got a certificate and sent it to the Secretary of the Interior, about her removal.
Q You were lawfully married to her in Georgia? A Yes sir.
Q Did you present your marriage certificate here? A Yes sir.
A Yes sir, my marriage certificate is here.
Q Your marriage certificate to this wife? A Yes sir.
Q Is she your first wife? A Yes sir.
Q And are you her first husband? A Yes sir.
Q And have you been living together ever since you were married?
A Yes sir.
Q Never were separated? A No sir.
Q Have you been residing in the Cherokee Nation ever since you came here in 1890? A Yes sir.
Q You and your wife, A Yes sir.
Q Never lived outside the Cherokee Nation since that time?
A No sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly redounded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this March 7, 1903.

Samuel Foreman.

(Seal)

Notary Public.

W. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing comprising 14 pages, and that same is a true and correct copy of the original transcript in this case.

Wm. Hutchinson

Subscribed and sworn to before me this 22d day of April, 1903.

Samuel Foreman
Notary Public.

"R".

Cherokee

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 16, 1901.

In the matter of the application of Sarah C. Brackett for the enrollment of herself as a Cherokee citizen by blood; being sworn and examined she testified as follows:

BY COMMISSION:

- Q What is your name? A Sarah C. Brackett.
- Q How old are you? A 50 years old.
- Q What is your post-office address? A Sallisaw.
- Q Haven't you been enrolled? A No sir, I aint never been before you before, this is the first time.
- Q Do you apply for enrollment as a Cherokee by blood? A Yes sir, I am a Cherokee by blood.
- Q What degree of Cherokee blood do you claim? A One-eighth or a quarter.
- Q What district are you living in in the Cherokee Nation? A Sequoyah.
- Q Do you apply for anyone besides yourself? A No sir, my husband there and children has all do be enrolled.
- Q Where were you born? A I was born in Georgia, Union County.
- Q When did you come to the Cherokee Nation? A It will soon be 12 years since I come here.
- Q Had you ever lived here before that time? A No sir.
- Q Have you ever been recognized as a citizen of the Cherokee Nation by the tribal authorities? A Well I have since called over here and they said it was all right.
- Q Did you apply for admission to citizenship when you came here? A Yes sir.
- Q Have you any evidence of that admission? A I had one paper and I sent it to Washington; they said they would give me some more papers, but I never got them.
- Q Were you admitted by an act of Council or by an act of the Commission on Citizenship? A I can't tell you.
- Q Were you admitted at the same time that your husband was admitted? A No sir, I was not admitted at the same time he was; I went ahead and made my proof since that and they said it was all sufficient, I had done all that was required of me.
- Q How long ago was that? A About 10 years ago.
- Q Did they give you a certificate of admission? A Well they gave me a copy of it, although I called for it.
- Q Were you admitted or were you rejected? A I was not rejected, I sent it to Washington.
- Q Have you ever drawn any money from the tribal authorities of the Cherokee Nation? A Yes sir, I drew my Strip money.
- Q Is your name on the Strip payment roll of 1894? A I reckon it is.
- Q Is your name on the roll of 1896? A I aint looked at the rolls, I don't know.
- Q What is the name of your husband? A Daniel Brackett.
- Q Daniel R. isn't it? A No sir, no R. to it.
- Q How old is he? A He is about 64 years old, I reckon; he is older than I am.
- Q Is his post-office address at Sallisaw? A Yes sir.
- Q When were you married to him? A 30 some odd years ago.
- Q Have you and he been living together continuously since that time? A Yes sir, been living together all the while.
- Q You are living together now? A Yes sir.
- Q Is he a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Did he come to the Cherokee Nation when you came? A Yes sir, we all came at the same time.
- Q Why didn't you apply for admission when your husband applied? A I was not here at this place at that time.

Q Then you didn't come when your husband came? A Yes sir, I came when he come, but I wasn't here at that time.

Q When did your husband come? A He come at the same time I come; we have been here over 12 years.

Q What do you mean by saying you were not here? A I was not at this place.

Q Were you in the Cherokee Nation? A No sir, I was at my old home.

Q You came here with your husband 12 years ago? A Yes sir, not hardly 12 years it aint.

Q And you stated awhile ago that you were not here when he made his application? A No sir, we was in the old country when our case were passed on and we were sent for and we come.

Q Then you were admitted to citizenship before you came to the Cherokee nation? A No sir, I was not.

Q Your husband was? A Yes sir.

Q How long after you came to the Cherokee Nation was it before you made application for admission? A Right the next fall.

Q Have you got any children? A Yes sir.

Q What are their names? A Emma Wilson, W.H. and Susan Brackett and Susan Adair.

Q They were admitted when your husband was? A Yes sir. No w the reason mine stayed the way it did was because there was no one to get for the witness.

Q You were never re-married to your husband after he was admitted to citizenship? A No sir.

1896 census roll of citizens of the Cherokee Nation examined for applicant, and identified as follows:

page 1051, No.66, Sarah C. Brackett, Sequoyah District, native Cherokee, (with Daniel Brackett on this roll.)

Q What district were you living in when you drew your Strip money? A I was living in Flint District when we drew our Strip money.

Q Did you draw your money at the same time your husband drew his? A No sir.

Q Did you draw after the payment was made? A Yes sir.

Q You drew then by a special act of the Council did you? A Yes sir, I did.

BY MR. LAUGH:

Q That is the time then that you claim you were admitted to citizenship when they gave you your Strip money, is that it? A I reckon so, that's the time.

1894 payment roll of citizens of the Cherokee Nation examined for applicant and name not found thereon.

Q Did you ever have a child named Alice? A No sir.

Q Do you know any other Sarah Brackett living in the Cherokee Nation? A Yes sir, there is another Sarah Brackett besides me.

Q Do you know any of her children? A She has just got one child.

Q What is its name, do you know? A Minnie, Arinda I think she signs her name.

COMMISSION:

Sarah C. Brackett applies for the enrollment of herself as Cherokee by blood. She avers that she came to the Cherokee Nation some 12 years ago from the State of Georgia, and that after she came to the Cherokee Nation that she was admitted to citizenship by the tribal authorities. No evidence of said admission is introduced at the present time. She is not identified upon the Strip payment roll of 1894. She is identified upon the census roll of 1896 as a native Cherokee and the wife of Daniel Brackett; said Daniel Brackett has been listed for enrollment as a Cherokee by blood on doubtful card No.82; the applicant avers that she and her husband were mar-

ried some thirty years ago, and that they have been living together continuously since that time, and are living together at present. By reason of the fact that the applicant does not produce any satisfactory proof as to her admission to citizenship she will be listed for enrollment as a citizen by blood, on a doubtful card, No. 82, that being the card of her husband. It will be necessary that the applicant furnish the Commission satisfactory proof as to her admission to citizenship in the Cherokee Nation by the tribal authorities of said Nation.

SUPPLEMENTAL:

To Judgment. (Of same date.)

DANIEL BRACKETT, being sworn and examined, testified as follows:

Present:

Applicant, Sarah C. Brackett, and husband, Daniel Brackett.
J.L. Baugh, for the Cherokee Nation.

BY COMMISSION:

Q What is your name? A Daniel Brackett.

Q How old are you? A I don't know my age exactly.

Q About how old? A Somewhere about 50 I reckon, 51 or 2, I don't know.

Q What is your post-office address? A Sallisaw.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q By blood? A Yes sir.

BY MR. BAUGH:

Q Mr. Brackett, are you the same Daniel Brackett that applied at Sallisaw August 6, 1900 for enrollment? A Yes.

Q Is Sarah C. your wife? A Yes sir.

Q Why didn't you make application for her at the time you made application for yourself? A I ~~don't~~ Why didn't I?

Q Yes sir? A I had some papers and introduced them and they shoved them back to me and never so much as looked at them I don't think.

Q Did you tell the Commission that you desired to enroll your wife as a citizen of the Cherokee Nation at that time? A No sir I didn't tell them that.

Q Why didn't you make application for your wife at that time? A I ought to have done it, but I didn't do it.

Q At that time were you cognizant of the fact that your wife had been admitted to citizenship as you claim now? A Why yes, that is what they claimed here you know, that she was admitted; that she had all the papers that was necessary.

Q Was there any citizenship papers ever placed in your possession? A Not in my hands, no sir.

Q Did you ever see any? A No sir, but she came here and got them and sent them to Washington City to the Secretary.

Q Got them from the Executive Department? A Yes sir.

Q I will ask you if you applied to the Executive Department for a copy of these papers since you have been here? A Yes sir.

Q What did you find there? A They said they had no record of it.

Q No record that she ever had been admitted? A No sir.

Q No record that she had ever applied? A Yes sir, I reckon there was a record that she applied. No I don't believe there was, Mr. Baugh; that is, her individual self you know.

Q What was the nature of those papers you sent to Washington City? A She just sent for her removal money you know; you know those that paid their way to this country had a right to their removal money, 53 and 1/3 dollars per head.

Q Did she ever get her money? A No sir.

Q Do you know the reason why? A No sir, they wrote to her that the appropriation had give out; it was all right, but we would have to wait until more money was appropriated; that is what the Secretary said about it.

BY COMMISSION:

Q When was that Mr. Brackett, how long ago? A I don't know, I don't remember exactly, it has been about 4 or 5 years, I suppose; three or four; when they were paying out that removal money you know.

Q Did your wife actually draw the Strip money? A Yes sir.

Q What amount did she draw? Same amount the others drew.

Q What did they draw? A About 265 and some thing wasn't it?

Q Was that money paid to her by act of council? A Yes sir.

Q Have you any evidence of your marriage to your wife? A Why I could produce plenty of evidence here in the country I suppose.

Q Well were you married in the State of Georgia? A Yes sir.

Q Then you procured a license and certificate did you not? A Yes sir, I could write back there I suppose to the Ordinary and get a marriage certificate if it is necessary.

BY MR. BAUGH:

Q How was this money paid to your wife, this money you claim she drew, did you get the money for it or was it paid in a warrant?

A Got the money.

Q Direct? A Yes sir.

Q Who drew the money for your wife? A I drew the money myself.

Q Came here to Tahlequah and got it? A Yes sir.

BY COMMISSION:

Mr. Brackett, you had better get a certified copy of the marriage license and certificate and sent tit to the Commission, and you should also procure a certified copy of that act of the council paying this 265 dollars to your wife, and mail it to the Commission.

--- --

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this November 18, 1901.

Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN

"P"

Cherokee D 82.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 15, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Daniel Brackett, et al., for enrollment as Cherokee citizens.

Appearances:

James H. Huckleberry, Sr., Sallisaw, I.T., Att'y for Appl'ts.
W.W. Hastings, attorney for the Cherokee Nation.

DANIEL BRACKETT, appearing before the Commission and being sworn and examined testified as follows:

BY COMMISSION:

Q What is your name? A Daniel brackett.

Q How old are you? A I don't know my age, exactly, I am about 52 I suppose.

Q What is your post-office address? A Sallisaw.

BY MR. HUCKLEBERRY:

Q I wanted to ask him about the marriage of himself and wife: whereabouts were you married? A In the State of Georgia.

Q You remember what year? A I think it was '69. I aint certain about it; I aint positive of that fact, '68 or '9, I forget which it was.

Q What was her maiden name? A Sarah Mathews.

Q Was she a Cherokee by blood? A Yes sir.

Q On which side, on the father or mother's side? A On the mother's side.

Q What was the mother's name? A Jane McDaniel, Jane Mathews.

Q What was the father's name? A Allen Mathews.

Q When did you move to this country first? A Well I have been here 12 years, in April.

Q You came here in 1890 then? A Yes sir, 11th day of April we reached Sallisaw.

Q Did you ever come here before? A No sir, I never have been here before.

Q You notice that paper? A Yes sir.

Q Was that delivered to you at the time? A Yes sir.

BY COMMISSION: There is offered in evidence a certificate from the Cherokee Commission on citizenship bearing date of August 16, 1889, admitting Daniel U. Brackett and others to citizenship in the Cherokee Nation, and same is filed herewith.

Q Is there anything else you desire to ~~xxx~~ offer in evidence in this case? A Yes sir. (Produces papers, copies of which are found to be on file.)

MR. HUCKLEBERRY: Here is also a certificate we want to introduce for Mrs. Brackett. (Hands to Commission.)

BY COMMISSION: There is offered in evidence a certificate from B.W. Alberty, Assistant Executive Secretary of the Cherokee Nation, certifying that the name of Sarah C. Brackett appears as number 37 in the list of persons included in an act of the Cherokee National Council entitled "An act making appropriation for the benefit of persons residents of Tahlequah District omitted from the pay rolls and from participating in the distribution of the strip fund or the last per capita payment." Same is filed.

Q Is there any further testimony that you desire to introduce in this case? A No sir, we want at the same time to take up his children.

Q Do you submit this case to the Commission for final consideration?

MR. HUCKLEBERRY: Yes, sir.

APPLICANT: Yes, sir.

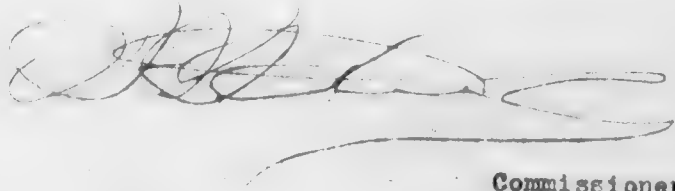
Q Do you submit, Mr. Hastings?

MR. HASTINGS: Yes, sir.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this February 19, 1902.



Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 13, 1903.

In the matter of the application of DANIEL BRACKETT, for the enrollment of himself and his wife SARAH C. BRACKETT, as citizens by blood of the Cherokee Nation:

JOHN M. BRANNUM, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A John M. Brannum.
Q How old are you ? A I am sixty odd.
Q What is your post office ? A Sallisaw.
Q Are you a citizen of the Cherokee Nation ? A No sir.
Q How long have you been living in the Cherokee Nation ?
A I have been here going on ten years.
Q Do you know Sarah C. Brackett ? A Yes sir.
Q Did you know her parents ? A Yes sir.
Q Her father's name was Allen Mathis ? A Yes sir.
Q He was a white man ? A Yes sir.
Q What was her mother's name ? A Jane.
Q Was she a Cherokee ? A Yes sir.
Q How long have you known her ? A Ever since I can recollect.
Q Where was she living ? A She was living then in Georgia, of course, where she was raised at, and where I was raised at; I first knew her when I was very small in Cherokee County, North Carolina.
Q And you knew her after that in Georgia ? A Yes sir. Knew her all my life up until after the war.
Q Was she a Cherokee Indian ? A Yes sir, that's been my understanding always.
Q Was there any doubt about it ? A No sir.
Q Did she look like an Indian ? A Looked like she might be a half breed. My understanding always has been that her father was about, or pretty near, a full blood.
Q When did she come to the Cherokee Nation ?
A I can't tell you just when she came, but she was here when I first come here.
Q When did you come to the Nation ? A I come here, last August was nine years ago; but then I come from Texas here, I had left Georgia several years ago.
Q Was Sarah married over in Georgia ? A Yes sir.
Q You remember the occasion of her marriage, do you ?
A No sir, I do not.
Q Where were they living in the Cherokee Nation when you come ?
A They was living up here on Coal Creek in Illinois or Flint district, close to the line.
Q Did Sarah's mother, Jane, come with her ? A I don't know.
Q When did Jane Mathis come to the Nation ?
A Mr. Brackett can tell you, because she was here when I come here nine years ago.
Q Jane was ? A Yes sir.
Q What district were they living in ? A Flint District.
Q That was nine years ago ? A Last August yes sir.
Q Have they been living in Flint district ever since ?
A No sir, they have been living the bigger portion of that time down in Sequoyah district near Sallisaw.
Q Is Jane Mathis living yet ? A No sir she's dead.
Q How long ago did she die ? A She died in October.
Q About four months you think ? A Yes sir.
-

DANIEL BRACKETT, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q What is your name ? A Daniel Brackett.
- Q How old are you ? A I am somewhere about fifty four or five I don't know exactly.
- Q What is your post office ? A Hallisaw.
- Q Are you a Cherokee by blood ? A Yes sir.
- Q Were you admitted to citizenship in the Cherokee Nation ? A Yes sir, I was admitted here.
- Q When ? A In August, 1889, I believe; my papers is here somewhere.
- Q Was your wife Sarah admitted with you ? A No sir.
- Q How did that come ? A I don't know how that come.
- Q Did you apply for admission to citizenship ? A Yes sir.
- Q Yourself ? A Yes sir.
- Q Who did you include in your application ? A I included her and the children, or had it done you know.
- Q Who was your attorney ? A Gus Ivey.
- Q Was that application made by you before you came here to the Cherokee Nation ? A Yes sir it was made before I came here.
- Q Do you know who was admitted with you then ? A Well, my children was admitted with me.
- Q But not your wife ? A No sir, she was not admitted at that time.
- Q Was she admitted at any time ? A They claimed she were, I don't know, I can't tell you about that.
- Q You brought her with you from Georgia, didn't you ? A Yes sir.
- Q She hadn't been admitted at that time ? A No sir.
- Q Was she admitted afterwards ? A That's what they told me.
- Q You would certainly know wouldn't you ? A I don't know about that, they claimed it was done in Council.
- Q What year ? A That was about 1894, I reckon, somewhere along there. I don't know exactly the date.
- Q Was her mother Jane Mathis admitted ? A No sir.
- Q She never was admitted ? A No sir, not in this part of the country.
- Q When did Jane Mathis come to the Cherokee Nation ? A It must have been ten or eleven years ago, I don't know exactly the date, she come after I come to the country.
- Q You came shortly after your admission ? A Yes sir.
- Q What year ? A In 1890.
- Q Jane Mathis didn't come until after that ? A No sir, she come about the second year after I come.
- Q You say she never was admitted ? A No sir, she never was admitted at all. My son wrote back but they never found her papers.
- Q So she never claimed citizenship in this country did she ? A She claimed it but she never did get her papers like she ought to have had them.
- Q Well, its probable then, that your wife was never admitted then, either ? A It might be possible, I don't know. That's what they told us. She went to Tahlequah and got a certificate and sent it to the Secretary of the Interior.
- Q Did Jane Mathis have any other children ? A Yes sir.
- Q Did any of them come with her ? A No sir, one come with them, but they have gone out of the country.
- Q Were they ever admitted to citizenship ? A No sir.

Q Did your wife ever make any effort to be admitted after she came here ? A Yes sir.

Q Who was her attorney ? A Why Gus Ivey was looking after the business.

Q But you don't know whether she was admitted or not ?

A No sir, I can't be positive about that, they told her that she had done all that was necessary.

Q Who told her that ? A Parties told her that, up yonder at Tahlequah you know. She went back after that and got a certificate and send it to the Secretary of the Interior, about her removal.

Q You were lawfully married to her in Georgia ? A Yes sir.

Q Did you present your marriage certificate here ?

A Yes sir my marriage certificate is here.

Q Your marriage certificate to this wife ? A Yes sir.

Q Is she your first wife ? A Yes sir.

Q And are you her first husband ? A Yes sir.

Q And have you been living together ever since you were married ? A Yes sir.

Q Never were separated ? A No sir.

Q Have you been residing in the Cherokee Nation ever since you came here in 1890 ? A Yes sir.

Q You and your wife ? A Yes sir.

Q Never lived outside the Cherokee Nation since that time ?

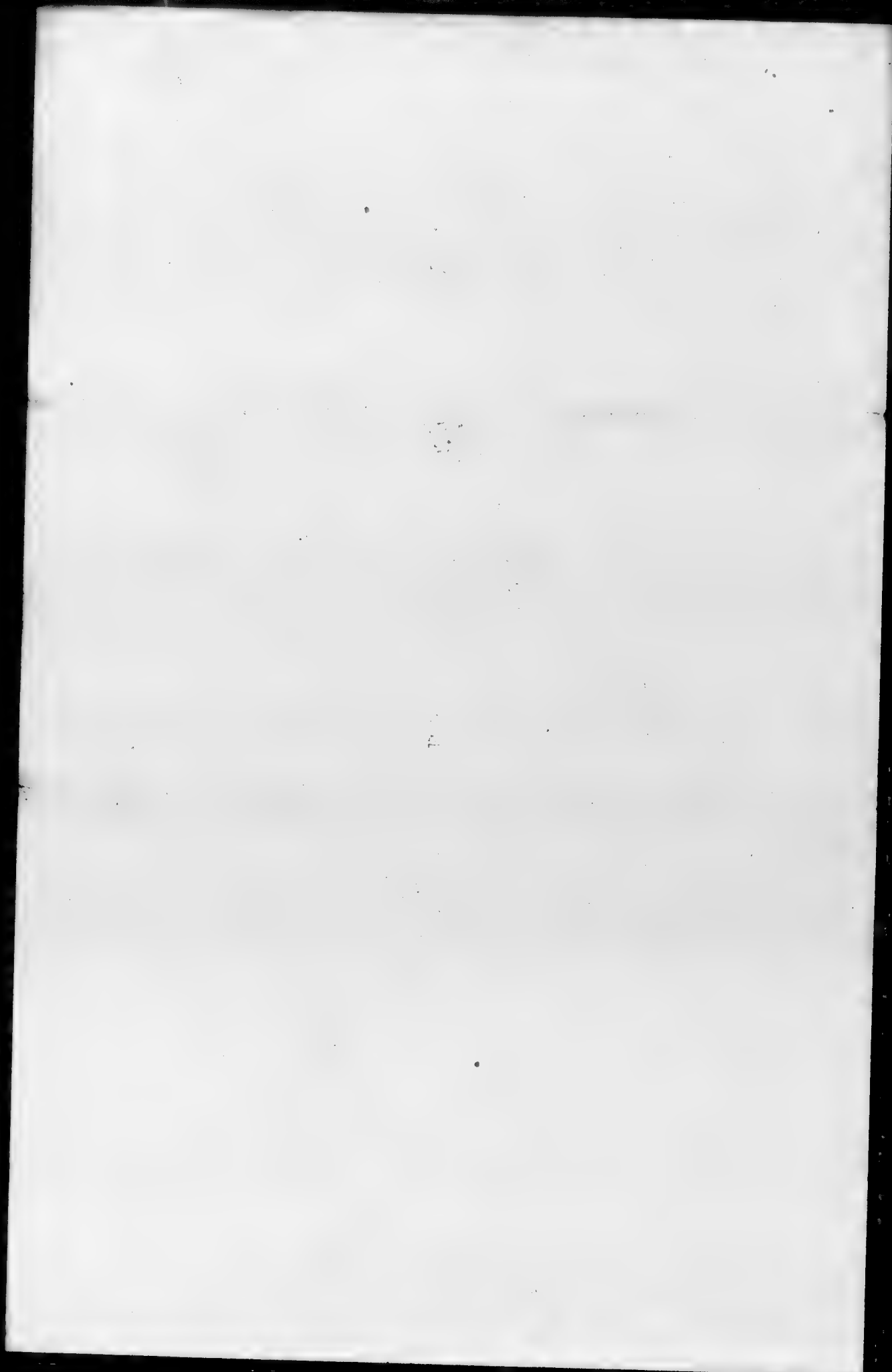
A No sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 7, 1903.

Samuel Foreman

Notary Public.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Daniel Brackett and Sarah C. Brackett as citizens of the Cherokee Nation.

DECISION.


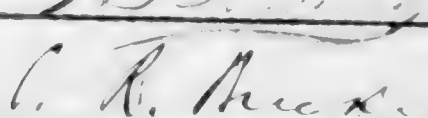
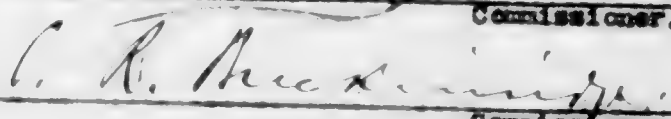
The record in this case shows that on August 6, 1900, Daniel Brackett appeared before the Commission at Sallisaw, Indian Territory, and made personal application for enrollment as a citizen by blood of the Cherokee Nation. On November 16, 1902, at Tahlequah, Indian Territory, Sarah C. Brackett appeared before the Commission and made personal application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, February 15, 1902.

The evidence shows that Sarah C. Brackett was lawfully married on April 22, 1868, to Daniel Brackett, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said nation on August 16, 1869. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson held that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. The aforesaid Daniel and Sarah C. Brackett are identified on the Cherokee Census Roll of 1896.

The evidence further shows that Daniel Brackett removed to the Cherokee Nation within the time limit specified in the Certificate of Admission. He and his wife Sarah C. Brackett, have lived continuously for the past ten years in the Cherokee Nation, and were residents therein at the time of this application. It is also shown by the evidence that Sarah C. Brackett was the beneficiary of an act-making appropriation of person omitted from the Strip Payment Roll of 1894, and wherein there was authorized a payment of \$265.70.

It is, therefore, the opinion of this Commission that Daniel Brackett should be enrolled as a citizen by blood, and that Sarah C. Brackett should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty one of the Act of Congress approved June 23, 1896, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sarah C. Brackett as a citizen of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Sallisaw, Indian Territory, August 6, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Sarah C. Brackett as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, November 16, 1901, at Muskogee, Indian Territory, February 17, 1902, and at Vinita, Indian Territory, November 13, 1903.


THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sarah C. Brackett, alleges that she is a Cherokee by blood, but a careful examination of the records of this office fails to show that she was ever admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, or by the Commission to the Five Civilized Tribes acting under authority of the Act of Congress approved June 10, 1896 (29 Stat. 321), or by the United States Court in Indian Territory on appeal therefrom, or that she has ever been recognized in any manner as a citizen by blood of the Cherokee Nation. The evidence further shows that said applicant, on June 1, 1868, in the state of Georgia, was married to one Daniel Brackett, and it is considered, in view of the foregoing, that she possesses no right as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of said marriage; that the said Daniel Brackett was not, at the time of said marriage, a recognized citizen by blood of the Cherokee Nation, and did not become such until his admission to citizenship therein by the duly constituted authorities of said Nation, August 16, 1889, and the name of Sarah C. Brackett is not mentioned in the act admitting, among others, said Daniel Brackett to citizenship in the Cherokee Nation.

It is, therefore, considered that said applicant did not marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

Said Sarah C. Brackett is not identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated

November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Sarah C. Brackett, is not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.



Commissioner

Dated at Muskogee, Indian Territory,

this FEB 23 1907.

Executive Department, Tahlequah,
Cherokee Nation.

I, B.W. Alberty, Assistant Executive Secretary of the Cherokee Nation do hereby certify that the Name "Sarah G. Bracket" appears no. 37 in a list of persons included in an act of the Cherokee National Council entitled, "An Act Making appropriation for the benefit of person resident of Tahlequah District omitted from the pay rolls and from participating in the distribution of Strip Fund of the recent Per Capita Payment." For each of whom an appropriation of two hundred and sixty five (\$265.00) dollars and seventy cents is made by said act, said act bearing date and signed "Approved Dec. 8th 1894,

C.J. Harris

Principal Chief C.N.

Given by me at Tahlequah Cherokee Nation, I.T. on this
30th day of July 1901.

B.W. Alberty

Assistant Executive Secretary,
Cherokee Nation.

(COPY)

Cherokee -D-02.

MARRIAGE LICENSE.

STATE OF
GEORGIA

COUNTY OF
GILMER.

To any Judge, Justice of the Peace, Or Minister of the Gospel:

You are hereby authorized to join Daniel Brackett and Sarah C. Mathis in the Holy State of Matrimony, according to the Constitution and Laws of the State and for so doing this shall be your License. And you are hereby required to return this License to me, with your certificate hereon of the fact and date of the Marriage.

Given under my hand and seal this 27th day of April, 1868.

(Signed) T. J. Stallings (L.S.)
Ordinary.

STATE OF GEORGIA

GILMER COUNTY.

I certify that Daniel Brackett and Sarah C. Mathis, are joined in Matrimony by me this 28th day of April, Eighteen Hundred and

Sixty eight, (1868)

Recorded June 1st, 1868.

(Signed)

T. P. Manning, J.P.

(Signed) T.J.Stallings,
Ordinary

STATE OF GEORGIA)

GILMER COUNTY)

I, J. C. Allen, Judge and Ex-Off- Clerk of the Court of Ordinary in and for said County, do certify that the within and foregoing is a true copy and transcript from the marriage records, in this Office and that I am the legal custodian of the same.

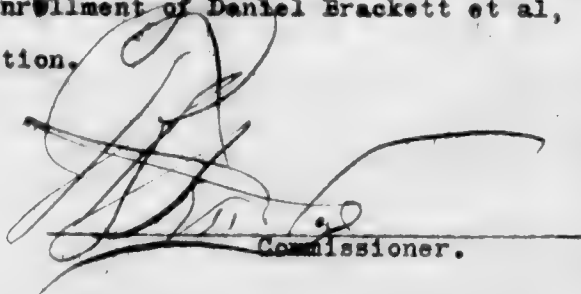
In witness whereof I have hereunto set my official signature and affixed the seal of this office, this the 1st day of April, A.D. 1902.

(SEAL)

(Signed) J.C.Allen, Ordinary
and Ex-Off, Clerk, C.O.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I.T., April 11, 1902.

I, the undersigned, do hereby certify that the above and foregoing
is a true and correct copy of the original offered in evidence in the
matter of the application for enrollment of Daniel Brackett et al,
as a citizen of the Cherokee Nation.



Commissioner.

882

as a citizen of the Cherokee Nation.

Walter of the application for enrollment of Walter to-woket et al,
is a true and correct copy of the original offered in evidence in the
I, the undersigned, do hereby certify that the above and foregoing

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CHIEF OF THE

FILED

APR 11 1902

ATTY. GEN. HADWIN

Commissioner.

Wagoner, I.T., April 11, 1902.
COMMISSION TO THE CHIEF OF THE
DEPARTMENT OF THE INTERIOR

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,.....January 31,

1902

Mr. Daniel, Brackett,

Sallisaw, Indian Territory.

Sir:

You are hereby notified that the application of.....yourself and your wife, Sarah C.
Brackett

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the
Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the
19th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney,
when an opportunity will be given you to introduce any additional testimony affecting your applica-
tion.

You are further notified that the Representatives of the Cherokee Nation will also, at the same
time, be afforded an opportunity to introduce testimony tending to disprove your right to enroll-
ment, but said Representatives will be required to notify you of their intention to introduce such
testimony before they will be permitted to do so.

**You are required to supply proof of marriage, and certificate
of admission of Sarah C. Brackett to Cherokee citizenship.**

Yours truly,

Cherokee D-83
Register.

Acting Chairman.

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JAN

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100

Muskogee, Indian Territory, March 10, 1902.

Mr. Daniel Brackett,

Ballislaw, Indian Territory.

Sir:

Upon examination had in the matter of the application for the enrollment of yourself and wife, it is found that you have failed to supply the Commission with documentary evidence of your marriage to your said wife.

You are requested to furnish the Commission with the original marriage license and certificate, or certified copies thereof.

You are reminded that this evidence is extremely important in the disposition of your case, and your immediate attention to it is requested and urged.

Yours truly,

Commissioner in Charge.

In answering refer to
C. D. 82
Register.

Cherokee D-82

Muskogee, Indian Territory, March 19, 1902.

Mr. Daniel Brackett,
Sallisaw, Indian Territory,

Dear Sir:-

The Commission is in receipt of your letter of March 14, stating that it is impossible for you to furnish the Commission with a certified copy of your marriage license and certificate, as the records of the Ordinary in whose office in Georgia these papers were recorded, has been burned.

You are requested to supply the Commission with a certificate from the Ordinary of the County where your marriage license and certificate were recorded, stating that the records of the County have been destroyed by fire since these papers were recorded. The question of considering the evidence as to your marriage will be taken up when you supply the Commission with this certificate.

Yours truly,

Commissioner in Charge.

Cherokee D-82.

Muskogee, Indian Territory, April 11, 1902.

J. H. Huckleberry, Esq.,

Ballisaw, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7 inst , enclosing marriage license and certificate of Daniel Brackett and Sarah C. Mathis who have heretofore applied for enrollment as citizens of the Cherokee Nation.

The marriage license and certificate being in due form, copies of the same have been made and filed with the case and the original is returned to you herewith.

Yours truly,

Commissioner in Charge.

Encl. B-181.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN REPLY TO THE FOLLOWING

Cherokee D-82.

Vinita, Indian Territory, January 26, 1903.

Daniel Brackett,

Sallisaw, Indian Territory.

Dear Sir:-

You are hereby notified that before the application for the enrollment of your wife, Sarah C. Brackett, as a citizen of the Cherokee Nation will be complete, it will be necessary for her to give further testimony establishing her Cherokee citizenship, or in lieu thereof, testimony showing her status on September 1, 1902, as a citizen by intermarriage of the Cherokee Nation.

This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on any day prior to February 17, 1903.

You are requested to present this letter when you appear for the purpose of introducing this testimony.

Respectfully,

Acting Chairman.

RP

Cherokee D-82.

Vinita, Indian Territory, January 26, 1903.

J. R. Huckleberry, Sr.,

Attorney for Daniel Brackett, et al.,

Ballisaw, Indian Territory.

Dear Sir:-

You are hereby notified that before the application of Daniel Brackett, for the enrollment of his wife, Sarah C. Brackett, as a citizen of the Cherokee Nation, will be complete, it will be necessary that further testimony be introduced before the Commission, establishing the Cherokee citizenship of the said Sarah C. Brackett, or in lieu thereof, testimony showing her status on September 1, 1902, as a citizen by intermarriage of the Cherokee Nation.

This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on any day prior to February 17, 1903.

Respectfully,

Acting Chairman.

RP

Cherokee D-82.

Vinita, Indian Territory, March 19th, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application of Daniel Brackett, et al, Cherokee D-82, I have the honor to report that supplemental testimony was taken in this case on February 13th, 1903, and the case is now deemed complete. There is herewith transmitted the original record, together with a copy of such supplemental testimony.

Respectfully,

Clerk in Charge.

Enc. C-96.
JOC.

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1887
20 1933

[Handwritten signature]
[Handwritten text]

COPY.

Cherokee D-62.

Muskogee, Indian Territory, December 2, 1904.

J. G. McCombs,

Attorney for Sarah C. Brackett,

Sallisaw, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of November 29, asking to be advised as to the status of the application for the enrollment of Sarah C. Brackett as a citizen of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case. You are further advised that the Commission will not consider this case until the question as to the right to enrollment of applicants to citizenship in the Cherokee Nation by virtue of intermarriage, has been passed upon by the Court of Claims, where the cause is now pending.

Respectfully,

SIGN

Tame Dixby.
Chairman.

Cherokee D. 82.

COPY

Muskogee, Indian Territory, February 23, 1907.

Sarah C. Brackett,

Ballisaw, Indian Territory.

Madam:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Chas. Kirby*

Commissioner.

Encl. E- 82

HLR

Register.

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, denying the application for the enrollment of Sarah C. Brackett as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Gams R. Doby.*

Commissioner.

Encl. 1-1
MLB

Muskogee, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Sarah C. Brackett as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, refusing said application.

Respectfully,

Encl. N-80
BLH

Commissioner.

Through the Commissioner
of Indian Affairs.

D.C. 12242-1907

J.P.
O.K.

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.

7026, 7038, 7072, 7088-07
7114, 7124, 7130, 7132-07
7134, 7136, 7138, 7140-07
7142, 7152, 7156, 7160-07
7162, 7174, 7176, 7180-07
7182, 7190, 7192, 7200-07
7208, 7216, 7218, 7224-07
7228, 7296, 7330, 7342-07
7364, 7388-07

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.

Date of Your
Letter of Transmittal.

| | |
|---------------------------------------|-------------------|
| Sarah E. Shook, | February 23, 1907 |
| Vernon G. Huddleston (Freedman), | February 16, 1907 |
| Edward T. Roberts (intermarried), | February 23, 1907 |
| Lillie Moffett Dodson, | February 23, 1907 |
| Eugene and Lucinda Shaden (Freedmen), | February 23, 1907 |
| Sarah C. Brackett, (intermarried), | February 23, 1907 |
| Andrus E. and Robert Leroy Stiles, | February 10, 1907 |
| Leone and Margree Gunter (Freedmen), | February 23, 1907 |
| Lydia V. Banks (Freedman), | February 23, 1907 |
| Elisa and Mama Benton (Freedmen), | February 21, 1907 |
| Butler Franklin Stevenson, | February 21, 1907 |
| Charlie M. Blackwell (Freedman), | February 23, 1907 |
| Sam Bane et al., | February 23, 1907 |
| Emeline Weaver, (intermarried), | February 25, 1907 |
| John P. Scruggs, (intermarried), | February 22, 1907 |
| Sarah A. Parks, (intermarried), | February 20, 1907 |

Title of Case.

Date of Your
Letter of Transmittal.

| | |
|---|--------------------|
| Lucretia Tidwell, (intermarried), | February 23, 1907. |
| John Wilkerson, (intermarried), | February 20, 1907. |
| Dennie Mackey (Freedman) | February 11, 1907. |
| Lucy Antoine, (intermarried), | February 23, 1907. |
| Mary E. Bibb (intermarried), | February 4, 1907. |
| Georgia Murry (Freedman), | February 18, 1907. |
| Nicholas Landrum, Jr. (Freedman), | February 23, 1907. |
| Oliver and Cordelia A. Fields (Freedmen), | February 23, 1907. |
| Josephine Harris (Freedman), | February 25, 1907. |
| John E. Hildebrand, | February 23, 1907. |
| Oscar L. Appleman, | February 20, 1907. |
| Mary A. J. Wixon, | February 23, 1907. |
| Geraldine Montgomery (Freedman), | February 23, 1907. |
| Martha Tidwell, | February 23, 1907. |
| Billy L. Brown, (intermarried), | February 2, 1907. |
| Sallie Fourkiller, | February 25, 1907. |
| Mary Harris et al., (Freedmen), | February 12, 1907. |
| Elias J. Baumhofer et al., | February 25, 1907. |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

34 inc. and 68 inc.
for Indian Office.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 23, 1907, relative to the application for the enrollment of Sarah C. Brackett as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, of February 23, 1907, refusing the application.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct.

His decision denying the application is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJV:LM

Cherokee
D-113 et al.

Muskogee, Indian Territory, March 29, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, rejecting the applications for the enrollment of Sarah E. Sheek, et al., as citizens of the Cherokee Nation, were affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. 5-44
LMO

Acting Commissioner.

Cherokee D-82.

Muskogee, Indian Territory, March 29, 1907.

Sarah C. Brackett,

Ballisaw, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

JME

Acting Commissioner.

Cherokee D-82

Muskogee, Indian Territory, March 29, 1907.

J. G. McCombs,

Attorney for Sarah C. Brackett,

Ballisaw, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of Sarah C. Brackett, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-1
JMH

Acting Commissioner.

Cher R 1031

Trans from Cher 097

Cher R 1031

~~7/11/00~~ 76.
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

~~7/11/00~~ **FILED**
AUG 7 1900


ACTING CHAIRMAN

D. 95

q.

CHEROKEES BY BLOOD AND ADOPTION.

Date March 17 1900.Name Lewis L. Limer

District

Year

Page

No.

Citizen by blood by

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Wife's name Mattha C. Limer

District

Year

Page

No.

Citizen by blood by

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

Robert L. Limer

Dist.

Year

Page

No.

Age

2Sarah L. "

Dist.

Year

Page

No.

Age

9Mary L. "

Dist.

Year

Page

No.

Age

10Mattha C. "

Dist.

Year

Page

No.

Age

6William L. "

Dist.

Year

Page

No.

Age

4John L. "

Dist.

Year

Page

No.

Age

2

Dist.

Year

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Year

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No.

Age

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I.T., August 7, 1900.

In the matter of the application of Lewis Tyner for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Brockenridge, he testified as follows:

- Q What is your full name? A Lewis Tyner.
Q What is your age? A 34.
Q What is your post office? A Vian.
Q What is your district? A Illinois district.
Q For whom do you make application for enrollment? A Myself and family.
Q Wife and children? A Yes, sir, wife and children.
Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
Q What proportion of Cherokee blood do you claim? A About 1/8.
Q Do you apply for your wife as a Cherokee by blood? A No, sir, I didn't, my father in law did.
Q Are you applying now for your wife? A Yes, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q What proportion of Cherokee blood do you claim for her? A She is about 1/8.
Q She has not already been applied for? A Not here, we were admitted under Springer's decision.
Q I am talking about now; you are making application now for enrollment, you are representing your wife? A Yes, sir.
Q Is anybody else representing your wife? A No, sir.
Q Are you on any of the rolls of the Cherokee Nation? A No, sir, none whatever.
Q Have you ever been admitted by the Cherokee authorities as a citizen of the Cherokee Nation? A No, sir.
Q You are applying now as a Cherokee by blood? A Yes, sir.
Q What is your wife's name? A Martha Elizabeth.
Q Have you ever applied to the Dawes Commission for admission? A Yes, sir.
Q Were you accepted or refused? A Refused before then.
Q Did you appeal to the United States Court? A Yes, sir.
Q What did the Court do? A They admitted me.
Q Have you got a copy of the decree? A No, sir, the boys had a copy here yesterday, but they taken it off with them and I couldn't get it back.
Q What is your middle name? A I haven't got any middle name, it is Lewis Tyner.
Q What was your father's name? A Lewis Tyner, brother to Jesse L. Tyner. My father's name is not on that book I don't suppose; my grandfather's name was Lewis Tyner too.
Q Mr. Tyner, you say you were admitted by Judge Springer of the United States Court? A Yes, sir.
Q I find in referring to the records here that as shown in what is indicated as Dawes No. 3592, a decision of Judge Springer admitted among others, one Lewis G. Tyner; you think that is intended for you? A That is intended for me, I am satisfied, there is no other Lewis in the bunch.
Q How long have you lived continuously in the Cherokee Nation? A 22 years or a little over.
Q Now your wife, is she enrolled in the decree of the United States Court? A She ought to have been.
Q Is that the way you claim citizenship for her? A Yes, sir, all the names went up when mine did.
Q Her name is Martha E.? A Yes, sir.
Q She is not on any of the rolls of the Cherokee Nation? A No, sir.

Lewis Tyner - 2.

Q Your wife's name is not found in the data we have of the decree; you have no copy of any decree that you can exhibit? A No, sir, that just to the head of the family is all they set to us.

Q Now your children, do you claim any of them are on the rolls of the Cherokee Nation? A No, sir.

Q Do you claim any of them are in the decree of the United States Court? A They should be, we sent the names in with ours.

Q If they are not in the decree which you mention, can you suggest any other decrees? A No, sir.

Q What are the names of your children, Mr. Tyner? A Robert Lee is the oldest one.

Q What is his age? A 12 years old now.

Q What is the next child? A The next two is twins, Grial, Sarah Delilah and Mary Louisa.

Q How old are the twins? A They are 10 years old.

Q What is your next child? A The next one is a girl, 6 years old, Mattie, Emaline.

Q Your next child? A The next one is a boy, William Dempsey, 4 years old.

Q Your next child? A John Lewis, 2 years old.

Q Is that the last child? A Yes, sir.

Mr. Tyner, according to your testimony neither you nor any of your family are upon any of the rolls of the Cherokee Nation, nor do you claim that any of you have ever been admitted to citizenship in any other way than by the action of the United States Court. Now upon consulting the records of the United States Court it is found that one Lewis C. Tyner was admitted by Judge Springer, as recorded in what is known as Dawes No. 3598, but it will need to be established by further investigation of the records and inquiry other than can be made at this time whether you are the Lewis C. Tyner mentioned, so at present your application will be placed upon a doubtful card.

Now as regards your wife, Martha E., and the six children whose names you have enumerated, their names are not found on any record of the Court, or at least they are not enumerated in any favorably decision of the Court. That fact, in view of the other facts which have been cited, gives this Commission no authority to admit them to enrollment at this time, nor even under the law to consider the application. A memorandum will be made of the action of the Commission and its action will be reported to the Secretary of the Interior for his final approval.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

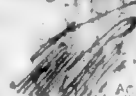
Sworn to and subscribed before me this the 9th day of August, 1900.

Bruce C. Jones
Clifton A. Buck
Commissioner

a 997
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 13 1900



ACTING CHAIRMAN

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B-977

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 7 1900



ACTING CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes.
Mildred, D. T., August 14th, 1900.

In the matter of the application of Lewis Tyner et al for enrollment as Cherokee citizens; having been sworn and examined by Commissioner Breckinridge, testified as follows: (Supplementary testimony)

- Q What is your full name? A Lewis Tyner.
Q What is your age? A 34.
Q What is your postoffice? A Vian.
Q What is your District? A Illinois.
Q For whom do you make application now to have enrolled? A Myself, wife and children.
Q How many children? A Seven children.
Q All under age and unmarried? A Yes sir.
Q Are they all the children of your present marriage? A Yes sir.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q Do you apply for your wife as a Cherokee by blood? A Yes sir.
Q Are you on any of the rolls of the Cherokee Nation? A No sir.
Q How were you admitted to Cherokee citizenship? A By W. M. Springer.
Q By United States Court? A Yes sir.
Q Have you a copy of the decision of the Court? A No sir.
Q Did you apply to the Dawes Commission for admission? A Yes sir.
Q When was that? A That was in '96, I reckon.
Q How did the Commission decide? A They decided against me I believe.
Q Then you applied to the United States Court? A Yes sir.
Q And the Court decided in your favor? A Yes sir.
Q That decision included your wife and children also? A No sir, I don't think it does, just myself.

Mr. Tyner, you present here a statement without date, signed H. D. Linder, Notary Public, but not accompanied by the seal of his office, to the effect that "Lewis Tyner is the person that Lewis C. Tyner represents. He swore to his claim before me in 1896." Then you present a statement of opinion signed by John C. Carter and also an opinion signed by Robert Williams to the effect that you and Lewis C. Tyner mentioned in Judge William Springer's decision in 1897 are one of the same person. Their signatures are attested by H. V. Linder, Notary Public. These will be filed with your case.

Mr. Hutchings, representative of the Cherokee Nation:

- Q You have no "C" in your name at all Mr. Tyner? A No sir.
Q You applied in a separate case for yourself to the Dawes Commission in 1896, didn't you? A Yes sir.
Q And you were denied? A I suppose so.

We want to offer in evidence the record of the Commission, Case No. 1413, page 222, Book "A", showing that no appeal was ever taken from the decision of the Commission denying his right to citizenship.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Edward G. Katzenberger

Subscribed and sworn to before me this 5th day of September, 1900.

[Signature]
Commissioner.

0-177
DEPARTMENT OF T
COMMISSION TO THE FIVE CIVIL

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SEP 12 1960

James H. Brown

Cherokee Nation }
Northern Ind Dist }

This day personally
appeared before me a Notary
Public in and for said Dist John
A Carter who after being duly
sworn deposes and says that
Lewis Turner is the person that
Lewis E Turner represents on
Judge Wm Springers decision
in 1897

John A Carter
sworn to before me this 10th
day of Aug 1900

H V Linder
N.P.

My Com expires Jun 21 1904

15
11
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
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Acting Chairman

I do hereby certify that Lewis
Tyner is the person that Lewis
C. Tyner represented & he swore to
his claim before me in 1898
H. V. Tucker
U. S.

15 11
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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AUG 14 1890

[Handwritten signature]
Special Agent in Charge

S. N. CARLILE & SON

DEALERS IN

General Merchandise & Live Stock

Campbell P. O., Illinois Station, A. T.

1900

Cherwell Water

Worthen Jud Dist

This day personally
appeared before me a notary Public
in and for said Dist Robt Williams
who after being duly sworn
deposes and says that Lewis
Tyner is the person that Lewis
& Tyner represents on Judge
Wm Springers decision in
1897

Robert Williams
sworn to before me this
11 day of Aug 1900
H Linder
N P

My Com. expires Jan 20. 1904

L--

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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AUG 24 1904

[Handwritten signature]

SUPPLEMENTAL-

D-97.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 4, 1900.

In the matter of the application of Lewis Tyner for enrollment.
Lewis Tyner being sworn and examined by Commissioner C. H. Breckinridge, testified as follows:

- Q Give me your full name. A Lewis Tyner.
Q How old are you? A 35.
Q What is your postoffice? A Vian.
Q What district do you live in? A Illinois district.
Q Who is it you want to enroll; yourself and family? A Myself and family, yes sir.
Q You have a wife? A Yes sir.
Q How many children? A Seven children.
I have enrolled already.
Q You have already made an application for enrollment? A Yes sir.
Q You want to give some additional testimony, do you? A Yes sir.
Q Give me the name of your father. A Lewis Tyner.
Q He's dead is he? A Yes sir.
Q Give me the name of your mother? A Sarah.
Q Is she dead? A Yes sir, she's dead.
Q In your previous application did you apply for your wife and children? A Yes sir.
Q What is your wife's name? A Martha E.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Do you want to offer additional testimony now relating to yourself, or also your wife and children? A Also my wife and children.
Q How many Lewis Tyner's are living now? A I couldn't tell you.
Q You know of any besides yourself? A I know of one.
Q Where does he live? A He lives in Faint district I reckon it is.
Q Any kin to you? A Yes sir; but he never made any application.
Q Has he any name besides Lewis? A I don't know.
Q Your name is just Lewis? A My name is Lewis.
Commissioner: I find here on page 322, case 1413, Docket A of the Dawes Commission wherein Lewis Tyner made an application separately for himself; that was in 1896, and the application was denied and no appeal was taken from that? A My case was carried through the Jesse L. Tyner case.
Q What kin was Jesse L. Tyner to you? A My uncle.
Q Now the case of John H. Tyner and John W. Tyner and perhaps others of the Tyner family are thought as having been forwarded to complete the Jesse L. Tyner case, but no such action was taken in the case just cited of Lewis Tyner. You stated Mr. Tyner in your testimony at Muldrow, on the 14th of August, of the present year, that you had applied in a separate case for yourself to the said Commission in 1896, and here is a separate and distinct case of just Lewis Tyner? A My case went with the Jesse L. Tyner case. I made a separate application with the balance.
Q You claim that if this makes the first application, to the said Commission, that those papers went forward in the Jesse L. Tyner case, and that this record is an error and not having the statement of the fact. You first made a separate independent application as you stated at Muldrow; that's true is it? A Yes, we all made separate applications, but they went in the same case of Jesse L. Tyner's case. They were carried in that case.
Q You claim they went forward like the balance? A Yes, like John W. Tyner.
Q What evidence have you now that you want to offer to prove that this Lewis C. Tyner mentioned in the Jesse L. Tyner case, is yourself? A I have a couple of witnesses here.

2- L.T.

Witness, John W. Tyner, being sworn, testified as follows:

- Q Give me your full name. A John W. Tyner.
Q What is your age? A 53.
Q What is your postoffice? A Campbell, I. T.
Q How long have you lived in the Cherokee Nation? A Been here 25 years.
Q Do you know Mr. Lewis Tyner here, this gentleman? A Yes sir.
Q What kin is he to you? A A first cousin of mine.
Q Do you know anything about the proceedings that were had in his application before the Dawes Commission in 1896? A I know a little about it.
Q As seeking recognition for citizenship? A I know he put in application for citizenship.
Q What kin is he to Jesse L. Tyner? A Jesse L. Tyner was his uncle.
Q His father's name was Lewis? A Yes sir.
Q How long has his father been dead? A His father's been dead-- I don't remember how long.
Q Good many years? A 16 or 18 years I expect.
Q Is Jesse L. Tyner still living? A No sir.
Q How long has he been dead? A About two years.
Q Did you ever know of a Lewis C. Tyner? A No sir, I didn't.
Q There is a Lewis C. Tyner mentioned in that case in the proceedings before the United States Court; you have no knowledge as to who that person can be? A No sir, I have no knowledge of that "C".
Q You know of any other Lewis Tyner in those proceedings except this one? A There is a Lewis C. Tyner here, but he never put in an application. He is my brother.
Q You have a brother Le is C. Tyner? A Yes sir, Lewis Columbus.
Q Have you applied for enrollment? A Yes sir.
Q Were you enrolled straight? A Yes sir, at Sallisaw.
Q Were you enrolled straight, or doubtful; without any trouble or objection? A There was no objection, I was enrolled straight.
Q Why isn't your brother, Lewis C. Tyner, admitted? A He never made an application.
Q There is a conflict about this evidence, how can you sit here and tell me that you have been enrolled without objection, and Col. Needles comes here and says you were objected by the said Commission, and in your present application? A Well, it has been a misunderstanding to me. At Sallisaw this Commission told me I was admitted, but my children were not.
Q You say your brother, Lewis C. Tyner, never made application before the Dawes Commission? A No sir.
Q How comes it that he doesn't claim to be a citizen? A He claims it.
Q But he failed to make an application? A He failed to make an application. I went to him when I made my application. He lives near Goingsnake. He told me he hadn't the money, and he fooled with it long enough until he got tired.
Q And it is your opinion that this Lewis Tyner is the ~~same~~ man who made the application, and that by an error that "C" was put in his name? A That's my understanding about it. I am satisfied that he is the man, for the first papers he got, I am the man that got them and took them to him.

Witness, W. H. Smith, being sworn, testified as follows:

- Q Give me your full name. A W. H. Smith.
Q How old are you? A 44 years old.
Q What is your postoffice? A Illinois District, Campbell post-office.
Q In what district do you live? A Illinois.
Q You want to give some testimony here in regard to the application of Mr. Lewis Tyner, don't you? A Yes sir.

3- L.T.

Q How long have you lived in the Cherokee Nation? A I have lived here about 17 years.

Q You know Mr. Tyner, do you? A Yes sir.

Q Is that the man standing there? A Yes sir.

Q You know anybody by the name of Lewis C. Tyner? A There is another one of them that lives out here by the name of Lewis C. Tyner.

Q Did he ever make application to the Dawes Commission for admission that you know of? A If he ever did, I don't know it. I don't think he did.

Q You know anything about this Lewis Tyner's name being inserted in the decision of the United States Court admitting him to citizenship as Lewis C. Tyner? A That is not his initials; of course, I don't know.

Q You don't know whether that Lewis C. Tyner mentioned in the judgment of the Court is this Lewis Tyner or not? A I could take him to be the same. I know he made an application.

Q You don't know whether the other one did? A I don't know that he did; I don't think he did.

Q What kin is that other Lewis C. Tyner to Jesse L. Tyner? A Jesse L. Tyner was his uncle.

Q An uncle of this one too? A Jesse, is this man's name.

Q I want to know what kin Jesse L. Tyner was to that Lewis C. Tyner you was talking about now? A Just the same uncle to both.

Q You think this is one and the same person intended in the decree?

A I think so it is; that is my honest opinion.

By J. L. Rauh, representative of the Cherokee Nation to the latter witness-

Q Are you the William Smith that was admitted the same time with him? A Yes sir.

Q Did the same lawyer have your case that had his? A Yes sir, same lawyer.

Commissioner Breckinridge-

This testimony will be filed as supplemental in the case of Lewis Tyner, D-97, and it is ordered that a memorandum be made on the Card D-97 of Lewis Tyner, for the reconsideration of the case of Robert L. Tyner et al, memorandum 28, in connection with all the testimony and the original Commission and Court records.

E. C. Rothberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the ~~test~~ supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

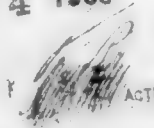
Subscribed and sworn to before me this 4th day of December, 1900.

E. C. Rothberger
Commissioner.

8-1947

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 4 1900

 ACTING CHAIRMAN.

"R"

Cherokee D 97

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 1, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Lewis Tyner for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Appearances:

Applicant in person, and by N.A. Gibson, Muskogee, I. T., his attorney;
W.W. Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicants and their attorney in the above case were notified by registered letter February 14, 1902, that their application for enrollment as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the first day of March, 1902. The applicant this day appears by his attorney, N.A. Gibson, Muskogee, I. T., and applicant appears in person.

LEWIS TYNER, being first duly sworn and being examined testified as follows:

BY MR. GIBSON:

Q State your name? A Lewis Tyner.

Q How old are you? A 36.

Q Where do you now reside? A Near Illinois Station.

Q Where did you live in 1896? A Lived near Illinois.

Q At that time state whether or not you made application to the Commission to the Five Civilized Tribes for enrollment as a Cherokee citizen, in 1896? A Yes sir, I did.

Q Examine this application which I show you and state whether or not the Lewis Tyner at the bottom is in your handwriting? A I wrote this. (Pointing to writing.)

Q State whether or not you made this petition, second sheet in the same application? A Yes sir.

Q Who were your attorneys in the matter of your application to the Commission? A Jeff Watts.

Q The records show that your application was denied by the Commission; state whether or not you employed anyone to prosecute an appeal from the decision of the Commission to the United States Court? A I did.

Q Who? A Watts.

Q State whether or not you know whether that appeal was taken? A Yes, it was.

BY MR. HASTINGS: Representatives of the Cherokee Nation object to this because the records are the best testimony.

BY COMMISSION: Objection will be noted.

Q The records of the United States Court show among the parties appealing the name of Lewis C. Tyner, state whether you know any person by that name? A Yes sir, I know Lewis C. Tyner.

Q Do you know where he lived in 1896? A He lives in Tahlequah District, I reckon in Tahlequah District, he lives on Canev, near Wauhatchie.

Q What ~~right~~, ~~if any~~, relation, if any, was he to you? A He was a first cousin.

Q State whether or not you know whether he made application to the Commission in 1896 for enrollment as a citizen of the Cherokee Nation? A No, he told my father-in-law he didn't.

BY MR. HASTINGS: I object to that, because it is purely hearsay, and move that same be stricken from the record.

BY COMMISSION: Objection will be noted, and the answer considered for what it is worth.

Q What relation are you to Jesse L. Tyner, in whose name this case was filed before the United States Court? A He is my own uncle.

BY MR. HASTINGS: I object to that question because it is irrelevant to the issue in this case. The question before the Commission is whether or not this person was admitted.

BY COMMISSION: Note the objection, and answer the question.

Q State whether or not you were admitted by the United States Court for the Indian Territory, Northern District, at Muskogee, in the year 1897, as a citizen of the Cherokee Nation? A -

BY MR. HASTINGS: I object to that question, because the record is the best testimony.

BY COMMISSION: Note the objection; answer the question.

A I was, yes sir.

Q What is the name of your wife? A Martha E. Tyner.

Q Whose daughter is she? A John W. Tyner's.

Q Do you mean the John W. Tyner whose name in this case and who is enrolled as a Cherokee citizen? A I do.

Q When were you married to her? A In '87, near Campbell.

Q In the Cherokee Nation? A Yes sir.

Q State whether you have lived with her as her husband ever since that time? A I have.

Q What of your children have been born since 1897? A John Lewis born since 1896.

Q Have you had any others born since the birth of this child John Lewis? A One, yes sir.

Q What is that child's name? A Ben LaFayette.

Q How old is this child? A He will be 2 years old in August, a year old last August.

Q Are both of these children living with you? A Yes sir.

Q State whether or not you have ever seen Lewis C. Tyner since this application was made? A I have, yes sir.

Q State whether or not within your knowledge he has ever made application to the Commission to the Five Civilized Tribes? A Not that I know of.

Q State whether within your knowledge he has made application for enrollment to the Commission to the Five Civilized Tribes since 1897? A To the best of my knowledge he has not.

Q State whether within your knowledge he has since that time made any claim of having been admitted as a citizen of the Cherokee Nation by the Commission or by the United States Court? A He has not to the best of my knowledge.

Q Have you any middle name? A No sir, I havenot.

BY MR. HASTINGS:

Q How do you know that Lewis C. Tyner hasnot made any application?

A I said he has not to the best of my knowledge.

Q How did you get any information on it? A I saw him and talked with him on it and he said-

Q Well it is what you remember what he said then aint it, that's all you know about it? A Yes sir.

BY MR. HASTINGS: The Cherokee Nation moves to strike out that part of the witness' testimony with reference to the information he had about Lewis C. Tyner, because the same is hearsay and not admissible testimony.

BY COMMISSION: Objection will benoted and the testimony considered for what it is worth.

Q What was your wife's name in 1896? A Martha E. Tyner.

Q You have a child named Robert L. Tyner? A Yes sir.

Q He was then about 8 years of age, in 1896? A Yes sir, I reckon he was.

Q You have a daughter Mary Tyner, about 6 years old in 1896? A Yes sir.

Q And a twin daughter named Sarah Tyner? A Yes sir.

Q Did you at that time have a child named Mattie Tyner, 3 years old? A I did.

Q Child also named Dempsey? A Yes sir.

Q Your name and that of your wife and these children whose named I have just called all are included in an applicatin to the Dawes Commission for enrollment in 1896? A The application purports to have been made by yourself and signed by Lewis Tyner; did you make that application, and is that your signature?(Shows signature to the applicant.) A Yes sir.

JOHN W. TYNER, being first duly sworn and being examined testified as follows:

BY MR. GIBSON:

Q What is your name? A John W. Tyner.

Q Where do you live? A I live near Campbell, Indian Territory.

Q In the Cherokee Nation? A Cherokee Nation.

Q How long have you lived in the Cherokee Nation? A I have been here 26 years.

Q State whether or not you have been enrolled as a citizen of the Cherokee Nation? A Well I suppose I have.

Q Do you know Lewis Tyner, who has just been upon the stand?

A Yes sir, I am acquainted with him.

Q What relation is he to you? A He is a first cousin.

Q What relation is his wife to you? A Well I claim her for my daughter.

Q How long have you known Lewis Tyner? A Well I don't remember, but I have knowed him betwixt 25 and 30 years; I don't know just how long.

Q Where did he live with reference to you in 1896? A Why he lived close by me, Illinois District, Cherokee Nation.

Q He had been married to your daughter before that time? A Before 1896?

Q Yes sir? A Yes sir.

Q Do you know Lewis C. Tyner? A I know one Lewis C. Tyner.

Q Where does he live? A He lives in Goingsnake District, Cherokee Nation.

Q What relation to you is he? A He is a half brother of mine.

Q Full brother? A I suppose he is.

Q Where was he living in 1896? A He was living there in Goingsnake District.

Q State whether or not he made application to the Commission to the Five Civilized Tribes in 1896 for enrollment as a Cherokee citizen? A -

BY MR. HASTINGS: Objected to by the Representatives of the Cherokee Nation, because the record is the best evidence and the testimony of this witness would at best be only negative testimony.

BY COMMISSIONER: Objecti n noted; answer the question Mr. Tyner.

A Why he told me he did not.

Q State whether you went to see him with reference to getting him to make an application with you? A I did.

Q State whether or not he refused to make an application at that time? A He refused; didn't think it was worth while.

Q Did you make an application at that time for citizenship? A Yes sir.

Q State whether or not within your knowledge he has ever claimed since that time to have been admitted as a citizen of the Cherokee Nation? A Lewis C. Tyner, my brother?

A Yes sir. A Why if he has I don't know it.

Q State whether within your knowledge he has ever made application to the Commission to the Five Civilized Tribes since that Commission has been making a roll of the Cherokee citizens, to be enrolled as a citizen of the Cherokee Nation? A I don't think he has.

BY MR. HASTINGS:

Q How far did you live from him in 1896? A It is something near 40 miles.

Q Do you know all the things that he did between June 10, 1896 and September, 1896? A Why of course I don't.

Q Then you don't know of your own knowledge whether he made application or not? A I don't, I couldn't say positive about it; he told me he didn't.

Q You only know what he said about it? A Yes sir.

Q Have you been around with this Commission all the time since it has been enrolling Cherokee citizens? A No sir.

Q How do you know then that this Lewis C. Tyner has not applied to this Commission for enrollment? A I don't think he has.

Q How do you know it? A I don't know it.

Q Have you been with him? A Once in a while, once or twice.

Q When did you see him last? A I saw him last summer.

Q When did you see him before that? A It has been probably three years before, I don't recollect about it.

Q Then you don't know of your own knowledge whether he has applied to this Commission or not, do you? A I don't know, no sir.

BY MR. GIBSON:

I simply desire to call attention of the Commission to the fact that the records of this Commission in 1896 fail to disclose that Lewis C. Tyner, ever made any application for enrollment as a citizen of the Cherokee Nation.

BY MR. HASTINGS: The Cherokee Nation asks that the records in Dawes Commission Number for 1896, 1413, being the case of Lewis Tyner, his wife and children, be copied and made part of the record in this case.

BY COMMISSION: The following entry appears upon the Dawes Commission docket of citizenship cases heard in 1896, page 22, number 1413:

"Lewis Tyner, vs Cherokee Nation,

Filed September 8, 1896; answer filed; application denied, Vinita, Indian Territory, October 24, 1896." The record fails to show that an appeal was taken in said application.

BY MR. GIBSON: The petitioner objects to the proof offered as contained in the last statement that "the record fails to show that any proof of an appeal."

BY COMMISSION: It appears from the records of the Commission that the applicant, Lewis Tyner, has been listed for enrollment on card number D97, and his wife and children on card number D1194. It is directed that card D 1194, being that of applicant's wife and children, be cancelled, and that their names be transferred to card number D 97, that of the applicant, Lewis Tyner,

BY COMMISSION OF MR. GIBSON: You desire to file a brief in this case, Mr. Gibson? A I don't believe I do.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case to the Commission and same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

M. P. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this March 3, 1902.

Commissioner.

File with Cher. D 97

R.
Cher. 3531.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. March 21, 1903.

In the matter of the application for the enrollment of
JAMES A. HIBBS, et al., as citizens by blood of the Cherokee Nation.

Appearances:

Edgar Smith, attorney for applicants.

JAMES A. HIBBS, being first duly sworn, and being examined, testified
as follows:

- BY MR. SMITH: Mr. Hibbs, what is your name? A James A. Hibbs.
- Q Are you the applicant in this case? A Yes sir.
- Q Have you testified before more than once in this case, have you not? A Yes sir.
- Q You have given the names of your wife and children in your former testimony? A Yes sir.
- Q The point I want to ask you about now, Mr. Hibbs, is in what way do you claim to be a citizen of the Cherokee Nation, by blood or by marriage? A By blood.
- Q Descended from whom originally? A Jesse L. Tyner. He is the one that took up my case when I took an appeal.
- Q What is the old original ancestor's name? A Dempsy Tyner.
- Q Now you say that Jesse L. Tyner looked after the matter of your appeal? A Yes sir.
- Q Who else was included in that appeal? Who else did he take the appeal for, to your knowledge? What other persons of this Tyner family, if you remember all of them, or those you remember?
- A There was several of them, I don't just remember exactly.
- Q Give me the names of those you do remember? A John V. Tyner; George M. Tyner, that's a cousin of mine; Belle Carter, that's not her name, but that's what they called her.
- Q How did she get in? A I don't know. I don't remember.
- Q Are you, Mr. Hibbs, a member of the Tyner family yourself?
- A Yes sir, I am blood kin to them.
- Q Well now, your wife had an application before the Commission, didn't she, in 1896? A Yes sir.
- Q Mary Hibbs? A Yes sir.
- Q Do you know whether that application included you or not?
- A Our names was all sent in together, my wife and all the children.
- Q You and your children was included in your wife's application in 1896? A Yes sir, all put in together.
- Q Was your name also included in the Tyner family in 1896?
- A That was the first application you mean, when we went before the Dawes?
- Q There before Judge Springer on appeal?
- A I don't understand you thoroughly.
- Q You seem to have been in your wife's application. Now what I want to know is whether you were in the application the Tyner family made? A Yes sir, certainly I was.
- Q Was there any other James Hibbs in this country at that time?
- A No sir, I am the only one in the Cherokee Nation.

Q Was there any other James Hibbs who was related to the Tyner family? A Yes sir, he never had been in the Territory, and he never did make application for citizenship neither.

Q Is he living or dead? A He is dead. That is hear-so. I don't know positively.

Q From your family records, and from the information in your family, was he living or dead at the time this application was made in 1896? A I don't know positively whether he was then or not.

Q When did you first hear that he was dead? A It has been about four years ago.

Q Where was he living? A He was living in Arkansas, sixty-five miles below Fort Smith.

Q He was never in this country? A No sir, never was in this country.

Q Who was it now, you say, in the Tyner family, that attended to this appeal before Judge Springer's court? A Jesse L. Tyner.

Q Is he living or dead? A He is dead a long time.

Q What other members of the Tyner family were present, if you know, or had anything to do with this matter? A That took an appeal?

Q Yes? A There wasn't none of them there.

Q Where was John W. Tyner? A I could not say.

Q You say your wife was a Tyner too? A Yes sir.

Q Were you and your wife related, kin folks, before you married? A Yes sir.

BY COMMISSION: What relation are you to John W. Tyner?

A We are about fourth cousins.

Q What relation are you to Jesse L. Tyner? A Well, I don't know. You are too hard for me.

Q Where were you living in 1896, Mr. Hibbs, the time this application was made to the Dawes Commission, the first application?

A I was living at Illinois Station.

Q In the Cherokee Nation? A In the Cherokee Nation.

Q Where was Jesse L. Tyner living in 1896, when this application was made? A Illinois Station.

Q Where was John W. Tyner living? A Illinois Station.

Q Do you know Lewis C. Tyner? A Yes sir.

Q Where does he live? A Illinois Station.

Q Is he living there now? A Yes sir.

Q Is Lewis C. Tyner included in the application of John W. Tyner in 1896? A Yes sir. They got the "C" in there when they ought not to have done it.

Q But the "C" in when they ought not to have done it?

A Yes sir, and they would not enroll him on account of it.

Q Is Lewis C. Tyner included in that application, the same man that has made application here? A Yes sir.

Q Is there any other Lewis C. Tyner in the Cherokee Nation?

A No sir. There was a Lewis Tyner, but he has been dead a long time.

Q About how long has the other Lewis Tyner been dead?

A I declare I could not say positively, but it has been about eighteen years to the best of my knowledge.

Q Do you know of your own knowledge, Mr. Hibbs, that Lewis C. Tyner, that was included in the application with John W. Tyner and others for citizenship in 1896, is the same man as Lewis Tyner who is now living at Illinois Station? A Yes sir, he is the same man. I know him.

Q Do you know a man by the name of Lewis Tyner who applied for himself and his wife Martha and their children, in 1896, in a separate application from John W. Tyner? A It is the same man you are speaking of.

Q Did he make two applications in 1896, this same man?

A No, not that I know of. I could not say positively on that. My memory is short. I could not recollect positively about it.

JOHN W. TYNER, being first duly sworn, testified as follows on behalf of applicant:

- BY MR. SMITH: State your name? A John W. Tyner.
- Q Mr. Tyner, how old are you? A I am fifty-five, I believe.
- Q Where do you live? A I live near Illinois Station, Cherokee Nation.
- Q Do you know this man, James A. Hibbs, who has just testified here?
- A Yes sir, I am acquainted with him.
- Q Is he related to you? A Said to be by the old folks.
- Q Is that what your family history shows, is that what the people in your family say, that he is a connection?
- A That is what the people in my family said, — my father.
- Q Are you the John W. Tyner who was admitted before the court in a judgment rendered by Judge William M. Springer, under the act of June 10, 1896? A I suppose I am, yes sir. Claim to be.
- Q Did you make application before this Commission in 1896? A Yes sir.
- Q Did you take an appeal from the decision of the Dawes Commission to the Court? A The case was appealed, yes sir.
- Q Have you applied to this Commission since 1898, or in the last two years, for enrollment as a Cherokee citizen? A Yes sir.
- Q Were you enrolled? A I was enrolled, yes sir.
- Q Do you know Mr. Hibbs's wife, Mary Hibbs? A Yes sir.
- Q Is she also a member of the Tyner family, a connection of the Tyner family? A Yes sir.
- Q Through whom did you all claim, what ancestor did you trace your citizenship through the Tyners? Do you remember what particular one? A We traced it from Dempsey Tyner.
- Q Were Hibbs and his wife kin to each other? A I suppose so, yes sir.
- Q What persons, as you remember now, were admitted by the judgment of the court, besides yourself? A In 1897?
- Q Yes. A Jesse L. Tyner, and myself, Lewis Tyner, W. H. Smith, James A. Hibbs, Robert Williams, Mary B. Carter, George M. Hibbs.
- Q Is this man Hibbs, who is the applicant in this case, the applicant who was enrolled in that appeal? A I suppose he was. I don't know of any other Hibbs.
- Q Where was he living, this man Hibbs, at that time?
- A I can't say where he was living at that time.
- Q In 1896? A In 1896.
- Q Where was this man Lewis Tyner living? A He was living down near Illinois Station.
- BY COMMISSION: What kin is James A. Hibbs to you, Mr. Tyner?
- A We are second or third or fourth cousins. I could not tell you exactly.
- Q How long have you known him personally? A I have known him for twenty-five years, I reckon. Twenty or twenty-five.
- Q Where did you first know him? A I first seen him in Arkansas.
- Q How long, to your knowledge, has he been living in the Cherokee Nation? A I think it must be twenty years or upwards.
- Q Do you know where he was living in 1896, when this application was made for citizenship? A No, I don't know exactly where he was living. I have forgotten.
- Q Who made the original application in your case of John W. Tyner and others for admission under that act of 1896? A Who filled out the papers? Hiram Linder, a Notary Public. H. V. Linder.
- Q Where does he live? A Illinois Station.
- Q Who was present at the time the petition was made out, and gave in the names to be enrolled in the application? A I could not tell who did.

Q Were you present? A I was present.

Q Was James A. Hibbs present? A Hibbs was present, this same James A. Hibbs.

Q His name was put in the same case with you? A The other applications was made separate of me. Every family to itself. That is the way I understand it.

Q But all included in the one general application for the family, wasn't it? A Yes sir, I think so.

Q At least it is in that way. You made a separate statement in that application as to each family, but each family separate. Wasn't that the way it was done? A That is the way I understand it.

Q You say this man Hibbs was there when you gave in those names of your family? A Yes sir, all there.

Q Was his name put in the application at the same time yours was? A The same time, all filled out at the same time.

Q That relation is Lewis Tyner to you? A First cousin.

Q Now is his name Lewis Tyner or Lewis C. Tyner? A Lewis Tyner is all he claims.

Q Did you ever know any other Lewis Tyner in the Cherokee Nation, or Indian Territory? A Yes sir, I know a Lewis Tyner.

Q Where did you know him? A He lives up in --- must live in the corner of Goingsnake District.

Q Where was Lewis C. Tyner living in 1896? A He was living in the same district, I reckon. Living right in that settlement, I don't know whether in the same district or not. Right close.

Q That relation is Lewis C. Tyner to you? A He is a brother of mine, the one I speak of.

Q Is he living now? A He was not long ago. I forget how long ago it was since I heard from him.

Q Wasn't Lewis C. Tyner, now is your brother, included in the application that was made in 1896? A No sir.

Q Well now, if it develops that Lewis Tyner made a separate application for himself, and Lewis C. Tyner was included in the application with you and your family, which one of those applications refers to your brother, and which one to your cousin? A I don't know whether either one referred to my brother or not.

Q You are not positive about that? A I have only got his word for it.

Q Is Jesse L. Tyner your brother too? A No sir.

Q Is he any relation of yours? A He is an uncle of mine.

Q He was in the application with you, wasn't he? A Yes sir.

Q That is, you all made application at the same time? A Yes sir.

Q Lewis C. Tyner, your brother, wasn't present there at the time you made application? A No sir, he wasn't there.

Q How old a man is Lewis Tyner, your brother? A He must be thirty-five, somewhere, I don't know his age exactly.

Q Somewhere between thirty-five and forty? A Somewhere, I don't know his age.

Q Who is Martha E. Tyner? A I suppose that is his wife.

Q Do you know his children by name, Mr. Tyner? A Yes sir.

Q Is Robert L. Tyner a child of Lewis Tyner? A He has one by that name, his oldest child.

Q Is Sarah D. Tyner a child of Lewis Tyner? A He has one by the name of Sarah.

Q Has he got a child by the name of Mary L. Tyner? A That one is dead, yes sir.

Q She is dead? That is one of the twins? A Yes sir.

Q Mary, you say, is dead? A Yes sir.

Q Did you know when she died, Mr. Tyner? A It has been -- No, I don't know exactly when she died.

Q Did she die last year? A She has been dead over a year ago.

Q Is Mattie E. Tyner one of his children? A Yes sir.

- Q Has he got a child by the name of William Derpsy?
A He did have, but that one is dead now.
Q Has he got a child named John L. Tyner? A Yes sir.
Q Now, Mr. Tyner, if the original petition on file with the Commission shows that Lewis Tyner made application for himself and his wife, Martha E., and these children whom I have just named to you down to William D., would that be Lewis Tyner your cousin, or Lewis Tyner your brother? A That would be Lewis Tyner --
Q Your cousin? A Yes sir, my cousin.
Q Now then, if in addition to that application for Lewis Tyner and his wife, in 1896, there is an application in connection with yours for Lewis C. Tyner alone, without naming his wife and children, who would you say that application was intended for, your brother or your cousin? A I could not tell about that.
Q Do you know whether Lewis Tyner, your cousin, made two applications in 1896? A No sir, I don't. If he made two I don't know it.

JOHN A. CARTER, being first duly sworn, and being examined, testified as follows on behalf of the applicant:

- BY MR. SMITH: State your name? A John A. Carter.
Q Where do you live, Mr. Carter?
A Illinois Station, Illinois District.
Q Do you know the applicant, James A. Hibbs, who has just testified here to day? A Yes sir.
Q Do you belong to the Tyner family yourself?
A By marriage, yes sir.
Q Is your wife a Tyner? A Yes sir.
Q What is her name? A Her name in the decision was Belle, but her name was Mary E.
Q What is the E. for? A Belle.
Q Her name was Belle? A Yes sir, Mary Belle.
Q Has she applied before this Commission this last time, or recently, and been admitted, or not? A Yes sir, she has been enrolled, her and her children. That is my understanding.
Q Was she the person who was admitted before the court, Judge Springer's court, in 1897? A Yes sir, I suppose so.
Q Well, do you know? A Do I know --
Q Do you know whether she was or not? A Yes sir, she was.
Q Now, Mr. Carter, which one of the Tyners did you marry, whose daughter? A John W. Tyner's daughter. This man's daughter.
Q Do you know from what the members of this family say, as to whether this man, James A. Hibbs, the applicant in this case, is a member of that family?
A It has always been the understanding that he was, with me.
Q That has been your information? A Yes sir.
Q From the members of the Tyner family? A Yes sir.
Q Was he related, this man James A. Hibbs, to his wife before he married her? A Yes sir.
Q Do you know in what degree? Do you know what kin?
A No sir, I don't.
Q Where were you living in 1896 or 1897? A Illinois Station.
Q In the Cherokee Nation? A Yes sir.
Q Can you state from memory what persons were admitted of the Tyner family, or relatives or connections of the Tyner family, by Judge Springer, in 1897? A Jesse L. Tyner, John W. Tyner, John Carter, that is myself, Belle Carter, my wife, James A. Hibbs, G. W. Hibbs, and Lewis C. Tyner, but he would not recognize the C.
Q There was a Lewis Tyner though? A Yes sir, and Robert Williams and W. H. Smith. That is all I can remember.
Q Are you stating these from your recollection? A Yes sir.

Q Is it from your recollection of those were taking the appeal at that time from the decision of the Commission?

A Just those that were admitted by the court's decision.

Q Do you recollect them as being persons who appealed their cases from the Dawes Commission? A Yes sir.

Q Is this man sitting here, who has testified here, the James A. Hibbs that was mentioned there in that judgment along with the rest of you people that you have just named? A Yes sir.

BY COMMISSION: Mr. Carter, who made out the original application in 1896, your application? A The Notary Public, H. V. Linder.

Q Where does he live? A Illinois Station.

Q Were you living there then? A Yes sir.

Q Who else was there present at the time your application was made out? A Mr. Hibbs here.

Q This same James A. Hibbs? A Yes sir, and Mr. Tyner, Robert Williams, W. H. Smith, Lewis Tyner. I don't remember whether there was any other one or not. There was several of us there.

Q You all did not sign the same paper, did you? A No sir.

Q Signed separate papers? A Yes sir, made it out in families.

Q In families, and made separate applications? A Yes sir.

Q Lewis Tyner made out an application for himself and his family, is that not true? A Yes sir.

Q He signed the application as Lewis C. Tyner, did he?

A Not that I know of.

Q If there was an application made in 1896 for Lewis Tyner and for Martha E. Tyner, his wife, and for Robert L., his son, Sarah D., Mary L., Mattie E. and William D., that would mean Lewis Tyner and his family, or for Lewis C. Tyner and his family? A That was this Lewis Tyner that I speak of that was there, those are the names of his children and his wife.

Q This man who was there present at the time you all made out your applications? A Yes sir.

Q Do you know Lewis C. Tyner? A Yes sir, I have seen him a few times.

Q Do you know where he lived in 1896?

A He lived in Flint or Goingsnake, I don't know which.

Q In the Cherokee Nation? A Yes sir.

Q What relation is Lewis C. Tyner to John W. Tyner?

A They are brothers.

Q What relation is Lewis C. Tyner to Jesse L. Tyner?

A Lewis C. Tyner was Jesse L. Tyner's nephew.

Q Jesse L. Tyner's nephew? A Yes sir.

Q What relation is Lewis Tyner to Lewis C. Tyner?

A They were cousins.

Q Is Lewis Tyner a cousin of John W. Tyner? A Yes sir.

Q Lewis C. Tyner is still living, is he, in the Cherokee Nation?

A He was a few months ago. I don't know whether he is now or not, could not say.

JAMES A. HIBBS, recalled.

BY EDGAR SMITH: Mr. Hibbs, I notice that a summons was issued out of the United States Court for the Northern District of Indian Territory at Muskogee, Indian Territory, on the 18th day of January, 1897, commanding the Cherokee Nation to appear in an appeal from the Commission to the Five Civilized Tribes, in the matter of the application of John W. Tyner, Jesse L. Tyner, Lewis C. Tyner, John Carter, Belle Carter, James Hibbs, William Smith, Robert Williams and George H. Hibbs, and that there was also a petition praying an appeal in the names of those same persons, praying an appeal to the United States Court from said Commission, in the names of those same persons. Now can you tell me why the petition contained only those names, and why,

if you know, did you not name your families, your children, in that appeal? A No I know why they were not named?

Q Yes? It was neglect in the attorney, in the lawyer.

Q Was there anything said about it, whether it was necessary to put in the children? A The lawyer claimed that the head of the family would be sufficient, and that when the census taker came around all we would have to do would be to give the family in.

Q The lawyers claimed that all that was necessary to do was to put the heads of the family in? A Yes sir.

Q Did you undertake to get your children in too? A No sir, not at the time that the lawyers took the appeal for us to the United States Court, to Judge Springer, we didn't know any better.

Q You thought it sufficient? A Yes sir.

Q Did you want them on, want them to be enrolled?

A You mean they took an appeal for the children too?

Q No, did you want the children to come in as citizens?

A Certainly, that was the intention.

Q Are you an educated man? A No sir, no education at all.

Q Can you read and write? A Very little.

Q You just left it to whoever was looking after the case, you thought that was sufficient? A Yes sir.

BY COMMISSION: Mr. Hibbs, when you first made out your application to the Commission in 1896, did you enroll your wife and children in that application? A Yes sir, all put in.

Q What is your wife's name, what was her name at that time?

A Mary Tyner, a sister to---

Q John W.? A Yes sir.

Q Has she got any middle name besides Mary? A I could not say positively, and I lived with her twenty odd years too.

Q What were your children's names, in 1896, included in that application? A I could not say, I always had nicknames for them. I had a nickname for every child on the place. I can't tell you what I called them. You have got all the names here somewhere.

BY MR. SMITH: You gave it in in your original testimony?

A Yes sir, they are all there.

This testimony will be filed with and made a part of the record in Cherokee cases 2531 and D-97.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23rd day of March, 1903.

(Seal)

(Signed) Wm. Hutchinson.

(Signed) Edward Merrick

Notary Public.

I, the undersigned, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing testimony and proceedings, and that the same is a true and correct copy of the original.

Matthew D. White

Sworn to and subscribed before me this 23rd day of March, 1903.

Edward Merrick
Notary Public.

(C O P Y)

APPLICATION FOR ENROLLMENT.

To the Honorable Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss and Alexander B. Montgomery, United States Commissioners, authorized by an act of Congress of June 4 1896, to hear and determine claims for citizenship in the Cherokee Nation.

Gentlemen: The undersigned, your petitioner, J. W. Tyner, for and on behalf of himself, his heirs, this day makes this their application to you for the purpose of being placed on the revised roll of Cherokee Indians and of those entitled to share in the distribution of funds and allotments of land in the Cherokee Nation, by virtue of their Cherokee blood, and I herewith submit the affidavits of Jesse L. Tyner, Exhibit "A", in support of said claim, and respectfully await the time when his application will be heard and tried.

Respectfully submitted,
John W. Tyner,
Campbell, I.T."

"Enrollment of family, with relationship, as follows:

| Names | Age | Relationship |
|---------------|-----|--|
| John W. Tyner | 49 | John W. Tyner is a son of Hiram Tyner, grandson of Lewis Tyner, great grandson of Dempsey Tyner, who was Cherokee Indian by blood. |

Louisa Tyner His wife

Children of John W. Tyner,

| | |
|------------------|----|
| Martha E. Tyner, | 26 |
| Mayr B. Tyner | 24 |
| Cibansadia Tyner | 16 |
| Caldonia Tyner | 13 |
| Minnie E. Tyner | 10 |
| John W. Tyner | 6 |

In witness of which I hereunto set my hand on this 22nd day of July, 1896.

John W. Tyner."

To the Honorable Henry L. Dawes and others, composing the Commission to the five civilized Tribes

Your petitioner, John W. Tyner, would state and show from the proof submitted to the Commission that he is a Cherokee by descent and blood, having been born in Hamilton, County, State of Tennessee, on the 21st. day of May, 1847; my father's name was Hiram Tyner; my mother's name was Martha Tyner; and I now reside in Cherokee Nation and have resided there for 21 years.

And he avers these facts can be established by proof to the satisfaction of the Commission under such rules and regulations as it may prescribe.

And he further avers that these facts can prove he is entitled to be acknowledged under the laws of such Nation and the laws of the Congress of the United States and the treaties of such Nation with the United States a citizen of such Nation with all the rights, privileges and protection of citizenship in such Nation.

Wherefore, he herewith respectfully submit to the consideration of the Honorable Commission such proof, and on hearing he be adjudged entitled to such citizenship, and his name be subscribed upon the proper roll of citizens of such nation.

Signature: John W. Tyner.

Indian Territory.
Northern Judicial Division, SS.

Now on this 22nd day of October, 1896, personally appeared before me W. J. Watts, Notary Public, for said Territory, John W. Tyner, and being duly sworn upon his oath states that the facts set forth in the foregoing petition are correct and true.

Subscribed and sworn to before me this 22nd day of July, 1896.
W. J. Watts, Notary Public

(Seal)

The following entry appears upon the Dawes Commission docket of citizenship cases heard under the provisions of the act of Congress approved June 10, 1896:

"John W. Tyner vs Cherokee Nation:

Filed September 8, 1896, answer filed, application denied Vinita, Indian Territory, October 24, 1896. 10/7/98. Papers in this case forwarded to complete case of Jesse L. Tyner, appealed." (Page 222, Cherokee No. 1411)

The following paper is filed in the jacket which originally contained the papers filed with the Commission under the provisions of the act of Congress approved June 10, 1896, in the matter of the application of John W. Tyner, et al., for admission to citizenship in the Cherokee Nation.

John W. Tyner,
vs
Cherokee Nation.

"#1411

Muskogee, Indian Territory,
October 7, 1898

All papers in this case forwarded this day to the Clerk of the United States Court for the Northern District, Indian Territory, on order issued by Honorable William M. Springer, Judge; order filed in case number 1414.

A. L. Aylesworth, Secretary."

The following paper is filed in the jacket containing court papers at present on file in the office of the Commission number 191:

"In the United States Court, Northern Judicial District, of the Indian Territory, at Muskogee.

Muskogee, I.T., October 7th, 1898

Received of A. L. Aylesworth, Secretary of the Commission to the Five Civilized Tribes, in compliance with an order issued by Honorable William M. Springer, Judge, all the original papers in the citizenship case of John W. Tyner, No. 1411, being an application for citizenship with supporting evidence, filed before said Commission under act of June 10, 1896, "to complete the case of Jesse L. Tyner" appealed.

James A. Winston

(Seal)

Clerk United States Court,
Northern District.

Endorsed on back as follows:

"No. 1411, Court No. 191

John W. Tyner

vs

Cherokee Nation."

The following order is filed in jacket No. 1414, which formerly contained the original papers filed with the Commission under the provision of the act of Congress approved June 10, 1896 in the matter of the application of James B. Tyner and others:

"#1414

James B. Tyner ,

vs

Cherokee Nation.

Muskogee, I.T. October 7, 1898

In the United States Court for the Northern District of the Indian Territory in Muskogee.

Hon. Dawes Commission:

You will please forward all the papers filed in your office in the case of James B. and John W. Tyner, Susan Dunham and John H. Tyner versus Cherokee Nation, to the Clerk of this Court to complete the case of Jesse L. Tyner, whose case for citizenship was regularly appealed from the Commission to this Court
William M. Springer, Judge"

The attorney for the applicant and the representative of the Cherokee Nation present submit the case, and the same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

It is directed that copies of this testimony be filed with and made a part of the record in the matter of the application of John W. Tyner, for enrollment as a citizen of the Cherokee Nation Cherokee number straight 970.

(C O P Y)

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY
NORTHERN DISTRICT AT MUSKOGEE.

JESSE L. TYNER ET AL

NO. 191

VS

CHEROKEE NATION

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REPORT OF SPECIAL MASTER.

I, N. A. Gibson, Special Master herein, respectfully show to the Court that in accordance with the order of reference herein, I have examined proof and pleadings in this cause, which are herewith filed and made a part of this report, and that I find as follows:

I

That this cause was instituted on Sept. 8, 1896, at which time application was made to the COMMISSION TO THE FIVE CIVILIZED TRIBES for citizenship by blood in the Cherokee Nation of Indians. That the cause was tried by said Commission and the application denied on Oct. 23, 1896, no reason being given for the decision and that the claimants appealed therefrom to this Court on Jan. 12, 1897.

II

That this application was presented by Jesse L. Tyner, John W. Tyner, Lewis C. Tyner, John Carter, Belle Carter Wm. Smith, James Hibbs, Robert Williams, and George M. Hibbs, all of whom seek enrollment in the Cherokee Nation by reason of the fact that they claim to be lineal descendants of Dempsey Tyner, who lived among the Cherokees east of the Mississippi River and whom they claim to have been a Cherokee Indian by blood.

III

That the claimants filed in the support of their application the affidavits of Elizabeth Tyner, Caroline A. Rogers, M. Hart, James S. Gray, Wm. J. Spicer, Catherine Styles, Elizabeth Rose, N. J. Hibbs, Jesse L. Tyner, Fannie Latty, Sarah Webb, and Thomas Ragadale. That these witnesses state that Dempsey Tyner, the ancestor through whom these claimants trace their blood was a Cherokee Indian by blood. That he lived in Hamilton County in the state of Tennessee, afterwards moving to Alabama. That Dempsey Tyner had a son by the name of Lewis Tyner and that both of these men were recognized as Cherokee Indians by blood, Dempsey Tyner being a half breed. That Jesse L. Tyner, the claimant herein is a son of Lewis Tyner, and the other claimants are the grandchildren of Lewis Tyner and of his brothers and sisters and are all lineal descendants of Dempsey Tyner. That Lewis Tyner came to the Cherokee Nation in 1849 or 1850.

IV

That the claimants contend that they having shown that they are the descendants of Dempsey Tyner, who was a half breed Cherokee Indian who lived among the Cherokees Indians in the state of Tennessee, they are entitled to be enrolled as citizens of said Nation under the law applicable to this case, while the Cherokee Nation contend that the claimants not having shown that Dempsey Tyner, the ancestor through whom they claim, is now or has been a recognized citizen of the Cherokee nation since the removal of that Nation west to the Indian Territory as at present located and defined or that his name appears on any authenticated roll of said Nation, or that they or any of their ancestors now reside or have resided in the Cherokee Nation as citizens thereof since the removal of said Nation, they are not now entitled to admission to Cherokee Citizenship.

The premises considered I find that the claimants are all lineal descendants of Dempsey Tyner who was a Cherokee Indian by blood who lived in the state of Tennessee , Hamilton County, that the claimants are all Cherokee Indians by blood and reside in the Cherokee Ntion, Indian Territory, where they have resided since 1849--almost continuously. That it is stated in the testimony of Jesse L. Tyner that Lewis Tyner his father was enrolled in 1828 on in 1835 and also in 1851, upon Cherokee Rolls, but that no copy or extract of the rolls has been introduced in support of this bare statement. That the claimants do not show that Dempsey Tyner was ever enrolled as a citizen of the Cherokee nation after the removal of said nation west to the present location in the Indian Territory, or that he ever resided therein as a citizen thereof.

I respectfully ask that the Court will allow me a reasonable fee for my service & herein.

Respectfully submitted this 9 day of Oct. 1897.

(Signed) N.A. GIBSON
Special Master.

My fee paid.

No exceptions filed.

Jesse L. Tyner et al.

vs. No. 191

Cherokee Nation

Mr. N. A. Gibson, Special Master to whom this case was referred submits the following report:

(Insert report)

BY THE COURT:

From this report it appears that the claimants in this case base their right to be enrolled as citizens of the Cherokee Nation upon the ground that they are the descendants of Dempsey Tyner, who was a half-breed Cherokee Indian, who lived among the Cherokee Indians east of the Mississippi River in the state of Tennessee, and the Master so finds. He also finds that they reside in the Cherokee Nation, Indian Territory, where they have resided since 1849, almost constantly. It does not appear that Dempsey Tyner was ever enrolled as a citizen of the Cherokee Nation after the removal of said nation west to its present location, or that he ever resided as a citizen therein, but it appears from the Master's report that the claimants have resided in the Cherokee Nation since 1849, almost constantly, as stated by the Master.

If the claimants came to the Indian Territory in 1849, they came during the time when the general invitation was extended to all Cherokees to locate in the Cherokee Nation without being required to petition the council. If they have resided therein bona fide since that time they are entitled now to be enrolled as citizens of the Cherokee nation. No exceptions have been taken to the Master's report, and the Court is therefore of the opinion that the claimants are entitled to be enrolled as citizens of the Cherokee Nation.

The judgment of the United States Commission rejecting this case is therefore reversed and the application of the claimants to be enrolled as citizens of the Cherokee Nation is allowed.

--0--

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 6, 1903.

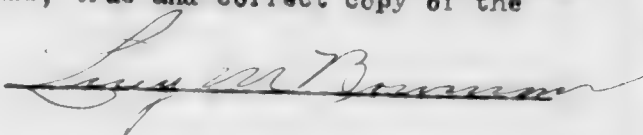
The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said commission.

(Signed) FLORINE B. HATCH

Subscribed and sworn to before me this 8 day of July, 1903

(Signed) Charles H. Sawyer
Notary Public

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that the same is a full, true and correct copy of the original.



Subscribed and sworn to before me this 19th day of June, 1905.


Notary Public

(C O P Y)

IN THE UNITED STATES COURT FOR THE INDIAN TERRITORY,
NORTHERN JUDICIAL DIVISION, AT MUSKOGEE, IND. TER.

Jesse L. Tyner, John W. Tyner, Lewis C. Tyner, John Carter,
Belle Carter, James Hibbs, William Smith, Robert Williams,
George M. Hibbs----- APPELLANTS

VS

CHEEROKEE NATION----- APPELLEE .

PETITION FOR APPEAL FROM THE DECISION OF THE COMMISSION
TO THE FIVE CIVILIZED TRIBES.

Come now the appellants in the above entitled cause
and petition the Court to grant an appeal in said cause from a
decision of the Commission, known as the Dawes Commission , created
and empowered to treat with the Five Civilized Tribes of Indians,
to-wit: The Cherokee, Choctaw, Chickasaw, Creek and Seminole Indians,
and to pass upon and decide applications for citizenship in the
said Five Civilized Nations, which decision by said Commission
was rendered by authority of, but not in accordance with, an Act
of Congress passed and approved June the 10th , 1896, and by
which decision on the _____ day of _____ 1896, the
aforesaid appellants were denied their rights to citizenship in
the Cherokee nation, Indian Territory

The facts relied upon by appellants to establish their
rights to citizenship in the Cherokee Nation as aforesaid, are as
follows, to-wit: The affidavits of _____

Said affidavits fully and conclusively establishing the fact that said appellants are Cherokee Indians by blood and descent, and entitled to rights of citizenship in the Nation.

Said affidavits, together with the application of said appellants, were, prior to September the 10th, 1896, filed with and submitted to said Commission for its investigation, consideration and decision.

That a certified copy of said application, together with the accompanying affidavits, were served upon the Chief, or Attorney General, of said Cherokee Nation, prior to September the 10th, 1896.

The errors of the Commission in rejecting the claims for citizenship of said appellants are the grounds for appeal to this Court, to-wit:

First. The Commission erred in rendering its decision on said claims adversely to the appellants and against the proof submitted by said appellants.

Second. The Commission erred in investigating the claims of appellants and denying the same during the absence of a majority of the members of the Commission.

Third. The Commission erred in refusing the appellants the right and privilege of examining the proof submitted by appellee in support of the answers filed by the appellee and denying appellants the right of filing replication to appellee's answer, or producing proof in rebuttal of the same.

Fourth. The Commission erred in denying the appellants the right of a trial of their claims by a competent jury, as granted to them by law and the Constitution of the United States.

Fifth. The Commission erred in refusing appellants the right to be present in person, or by attorney, during the trial and determination of their claims before the said Commission.

Sixth. The Commission erred in refusing to issue process for witnesses and to send for persons and papers when requested to do so by said appellants.

Seventh. The Commission erred in deciding against the right of these appellants to be enrolled as citizens of the Cherokee Nation.

Eighth. The Commission erred in deciding against the question of blood, holding that blood was not a test of the right of citizenship in the said Cherokee Nation.

Ninth. The Commission erred in deciding against the question of residence, holding that residence in the Cherokee Nation was not a test of the right of citizenship in said Cherokee Nation.

Tenth. The Commission erred in not entering upon its docket, or record, the grounds upon which the appellants were denied and refusing to notify appellants the grounds of denial or rejection.

Eleventh. The Commission erred in examining the claims and proof of appellants and denying the same while the Commission was not clothed with any legal authority, nor had jurisdiction, to render decision on said claims and deny the same.

Twelfth. That the Act of Congress approved June the 10th, 1896, was unconstitutional and had no power or legal right to confer jurisdiction on said Commission to try and determine the rights to citizenship of said appellants, and said Commission erred in determining the rights and denying the same to said appellants.

(11)

Thirteenth. That Congress had no power by enactment to create, appoint and empower a Judiciary, and said Commission erred in denying the claims of said appellants without any legal authority to do so.

Wherefore, the appellants in this cause pray that an appeal be granted to this Court and that a trial, de novo, be granted to appellants and that appellants be permitted to introduce new testimony, and that an order be made requiring said Commission to send all pleadings, papers and records filed before them in this cause to this Court, and that the Cherokee Nation, the appellee in this case, be cited to appear at this Court and plead and defend against the appeal, and show why the appellants should not by the rules, orders and decisions of this Court be adjudged entitled to citizenship in the said Cherokee Nation, and the appellants will ever pray.

W. B. WATTS

A. H. GALLAGHER

W. F. WATTS,

Attorneys for Appellants.

Q

DEPARTMENT OF THE INTERIOR,
GEORGETOWN, DISTRICT OF COLUMBIA.

There is no application for the enrollment of Lewis
Tanner, Jr., in the 8th grade of the Cherokee Nation.

Protect on behalf of the "Grassroots" Union.

[illegible][illegible]

• • • • •

[illegible]

[illegible]

"The Department of the United States Commission, respecting such case, is to refuse coverage and application of claimants to be enrolled as members of the National Union is allowed."

[illegible]

was denied by the Commission.

"We can easily understand the decision of the Commission to deny the application, as it is the applicants in this case, who are in violation of the Constitution, does violate the Constitution, and contrary to the law and the Constitution."

Very respectfully,

Very truly yours,

Very truly yours,

C-7B

Cherokee D 97.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lewis Tyner, et al., as citizens by blood of the Cherokee Nation.

--

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Sallisaw, Indian Territory, on August 7, 1900, Lewis Tyner appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself, his wife, Martha Elizabeth Tyner, and their minor children, Robert Lee, Sarah Delilah, Mary Louisa, Mattie Enaline, William Dempsey and John Lewis Tyner, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muldrow, Indian Territory, August 14, 1900, at Tahlequah, Indian Territory, December 4, 1900, and at Muskogee, Indian Territory, March 1, 1902, (when application was made for the enrollment of Ben Lafayette Tyner, child of the applicants Lewis and Martha Elizabeth Tyner, who is shown by a birth affidavit filed herewith and made a part of the record herein to have been born August 10, 1900), and at Washillau, Indian Territory, on September 21, 1905. A copy of the proceedings had on March 21, 1903, at Muskogee, Indian Territory, in the matter of the application for the enrollment of James A. Hibbs, et al., as citizens by blood of the Cherokee Nation is filed herewith and made a part of the record herein.

The records further show that, under the Act of Congress approved June 10, 1896 (29 Stat., 321), Lewis Tyner on September 8, 1896, made application to the Commission to the Five Civilized Tribes for citizenship in the Cherokee Nation for himself, his wife, Martha E. Tyner, and their minor children, Robert L., Mary, Sarah, Mattie and Dempsey Tyner, claiming the right to Cherokee citizenship as descendants of one Dempsey Tyner, a Cherokee by

blood. On October 23, 1896, said Commission rendered its decision denying said application, and on January 12, 1897, an appeal was taken to the United States Court for the Northern District of the Indian Territory, in the case of Jesse L. Tyner, et al., vs. The Cherokee Nation, Court No. 191, and that thereafter, the said Court rendered its decision admitting "the claimants" therein to citizenship in the Cherokee Nation. The application made by Lewis Tyner on September 8, 1896, for himself, wife and children, was docketed and styled "Lewis Tyner vs. the Cherokee Nation", but this title was erroneous inasmuch as the members of his family above-mentioned were also included in said application. This was also the case with the other applications made to the Commission at that time by relatives of Lewis Tyner who were heads of families. On June 30, 1905, the Commission to the Five Civilized Tribes found that the petition for appeal in the case of Jesse L. Tyner et al., vs. the Cherokee Nation, embraced all cases before the Commission wherein the applicants derived their Cherokee blood through a common ancestor, and on September 9, 1905, its finding was approved by the Department (I.T.D. 10354-1905). Said petition also followed the method of styling before the Commission in giving only the names of heads of families, notwithstanding the fact that the original applications which came in other members of the families were before said Court by its order.

The report of the Special Master appointed by the Court in said case, in reviewing the proceedings, states in his second finding that: "The application was presented by Jesse L. Tyner, John W. Tyner, Lewis C. Tyner, and others, naming them, and from an examination of all the names grouped under the head of Jesse L. Tyner vs. the Cherokee Nation, it appears that said parties were heads of families who applied to the Commission on September 8, 1896."

The judgment of the United States Court in the case of Jesse L. Tyner, vs. the Cherokee Nation, fails to mention the names of the parties before it, and concludes as follows:

"The judgment of the United States Commission rejecting this case is therefore reversed and the application of the claimants to be enrolled as citizens of the Cherokee Nation is allowed."

Although all the applicants who were named in the application made on September 8, 1896, were not specifically mentioned in the judgment of the United States Court they were applicants before that Court and under the general designation of "claimants" were admitted to citizenship in the Cherokee Nation.

The right of the applicants herein to be enrolled depends upon the following question, to-wit:

Whether or not Lewis Tyner, principal applicant herein, is identical with Lewis C. Tyner, mentioned in the judgment of the United States Court in the case of Jesse L. Tyner.

It is established that at the time application was made September 8, 1896, there were in the Cherokee Nation one Lewis Tyner and one Lewis C. Tyner, both relatives of the Tyner family. That the Lewis C. Tyner mentioned in the appeal is identical with Lewis Tyner, the principal applicant herein, is shown by the testimony of the said Lewis Tyner, W. H. Smith, John W. Tyner, John A. Carter, and the said Lewis C. Tyner. The testimony of these witnesses shows beyond question that the said Lewis C. Tyner was not an applicant for Cherokee citizenship before the Commission to the Five Civilized Tribes on September 8, 1896, and the records of this office fail to show that any application has ever been made for his enrollment as a citizen of the Cherokee Nation.

In view of the foregoing it is considered that the evidence in this case shows that the applicants, Lewis, under the name of Lewis C., Martha Elizabeth, Robert Lee, Sarah Delilah, Mary Louisa, Mattie Emaline, and William Dempsey, under the name of Dempsey, Tyner, were admitted to citizenship in the Cherokee Nation by the judgment of the United States Court in the case of Jesse L. Tyner, et al.; and that the applicants, John Lewis and Ben Lafayette Tyner, were born since said admission.

It is further shown that the applicants, Lewis and Martha Elizabeth Tyner, were married in 1887, and have since continuously resided in the Cherokee Nation, and that the applicants, Robert Lee, Sarah Delilah, Mattie Emaline, William Dempsey, John Lewis and Ben Lafayette Tyner, are children of the said Lewis and Martha Elizabeth Tyner, and have continuously resided with their parents in said Nation since birth. It is further shown that the applicant Mary Louisa Tyner, died on August 28, 1901.

Section Twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS, THEREFORE ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1896 (30 Stat., 495), Lewis Tyner, Martha Elizabeth Tyner, Robert Lee Tyner, Sarah Delilah Tyner, Mattie Emaline Tyner, William Dempsey Tyner, John Lewis Tyner and Ben Lafayette Tyner, are entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly granted. And it is further ordered that, under the provisions of the act of Congress approved July 1, 1902 (32 Stat., 716), the application for the enrollment of Mary Louisa Tyner as a citizen by blood of the Cherokee Nation, be, and the same is, hereby dismissed, without prejudice.

Dated at Muskogee, Indian Territory,

this DEC 27


COMMISSIONER

19

1097

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE
FILED
JUN 20 1901

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Make doubtful to consult Dawes case 3,598, and Court
records; prove marriage if case is strengthened; judgment stated.

Chickasaw D 1194

A

194

COMMISSIONERS

HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
R. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31

1902

Mr. Lewis Tyner,

Vian, Indian Territory.

Sir:

You are hereby notified that the application of **yourself, and the application for the enrollment of your wife, Martha B. Tyner, and six children** for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

19th day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your applications.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee N-87
D-1194
Register.

Yours truly,

Acting Chairman.

119H

RECEIVED
FILED
1902

119H

COMMISSIONERS.
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
CLERK

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902

Mr. Lewis Tyner,

Vian, Indian Territory,

Sir:-

You are hereby notified that the application of **yourself, your wife and six minor children**

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on **the first day of march, 1902.**

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

This cancels notice heretofore sent you that your case would be heard on the seventeenth day of February, 1902.

Copy to W.A. Gibson, Yours truly,
Muskogee, I.T.

Cherokee-97
✓B-1194
Register.

Acting Chairman.
~~XXXXXXXXXX~~

Commissioner in Charge.

COMMISSIONERS
HENRY L. GAWIN
TAMM HENRY
THOMAS H. NEEDLES
C. W. BRECKENRIDGE

ALFRED L. AYER, WASHINGTON
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D 77

Muskogee, Indian Territory, March 17, 1902

Mr Isaac Neal,

Tahlequah, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a Cherokee citizen on the third day of August, 1900, you testified that you had a certificate showing your re-admission to citizenship in the Cherokee Nation, and also a marriage license and certificate of your marriage to your wife Annie. As you produced neither of these documents your name was placed upon a "Doubtful" card for further evidence as to your re-admission to citizenship and your marriage to a Cherokee citizen.

You were notified by registered letter that your case would be taken up for final consideration on the 17th day of February, 1902, and you were required to supply the Commission with a certificate of your admission or re-admission to the Cherokee Nation or a copy of your Cherokee marriage license and certificate. Our records fail to show whether you received this letter, and for this reason you will be given another opportunity to produce the evidence required.

If such evidence, however, is not furnished to the Commission on or before the third day of April, 1902, the Commission will find it necessary to deny your application.

Yours truly,

In answering refer to
Cherokee D 77
REGISTER

Commissioner in Charge

Cherokee D-97.

Vinita, Indian Territory, February 25th, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith, for the consideration of the Commission, all the testimony in the matter of the application for the enrollment of Lewis Tyner, et al, Cherokee D-97.

No decision seems to have been prepared in this case and as the citizenship records of the United States Court are in the possession of the Commission at Muskogee, this office is unable to complete the record so far as it relates to the admission to citizenship of Lewis Tyner and his wife, Martha E. Tyner.

The attention of the Commission is respectfully called to Dawes Commission docket B, #3598, for the denial of the application of one Lewis Tyner, and to United States Court case #191 for the admission of one Lewis C. Tyner.

Respectfully,

Clerk in Charge.

Enc. C-36.
JOC.

D97

D97

RECEIVED
JAN 10 1900
U. S. DEPT. OF AGRICULTURE
WASHINGTON, D. C.

U. S. DEPT. OF AGRICULTURE

Cherokee D-97

Muskogee, Indian Territory, March 24, 1903.

Lewis Tyner,

Vian, Indian Territory.

Dear Sir:

The Commission has been advised that, since you made application for the enrollment of yourself and family as citizens by blood of the Cherokee Nation, two of your children, namely,- Mary L. and William D. Tyner, have died.

There are herewith enclosed blank death affidavits, which you are requested to have filled out, sworn to before a notary public, and return to this office, in order that the Commission's records may show the date of the death of these children.

Respectfully,

Chairman

Enc. M-262

597

COMMISSIONER OF THE UNITED STATES
INDIAN BUREAU

RECEIVED
JAN 23 1903

CHAIRMAN

Cherokee D #97.

Muskogee, Indian Territory, November 28, 1903.

Lewis Tyner,

Campbell, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself, wife and children, as Cherokees by blood, you are advised that before a decision can be prepared in your case it will be necessary that you furnish evidence as to the dates upon which your minor children, Mary L. and William D. Tyner, died.

There are herewith enclosed blank form of affidavits which you are requested to have properly executed and return to the Commission, in the enclosed return penalty envelope.

Respectfully,

Enc. D-11.

Chairman.

COPY.
Cherokee D-97.

Muskogee, Indian Territory, December 19, 1904.

Lewis Tyner,

Campbell, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 10, asking to be advised as to the status of your application for enrollment as a citizen of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been prepared you will be furnished with a copy.

Respectfully,

Wm. Bixey.
Chairman.

Cherokee D-97.

Muskogee, Indian Territory, June 19, 1905.

Lewis Tyner,

Campbell, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 28, 1905, relative to the enrollment of yourself, et al., as citizens of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

Chairman.

Charokce D 97.

Muskogee, Indian Territory, October 21, 1906.

Lewis Tyner,

Campbell, Indian Territory.

Dear Sir:

There is inclosed herewith a blank form of birth affidavit which you are requested to have properly executed, showing the birth of your child, Ben LaFayette Tyner, and to return to this office for proper disposition.

Respectfully,

LS
Inc. 1 EA

Commissioner.

Cherokee
D 97

Muskogee, Indian Territory, October 29, 1906.

Lewis Tyner,

Campbell, Indian Territory.

Dear Sir:

In reply to your letter of October 13, you are
advised that a decision will be rendered in your case as
soon as it is reached in its regular order.

Respectfully,

H.J.C.

Commissioner.

Cherokee D-97.

COPY.

Muskogee, Indian Territory, November 10, 1905.

Lewis Tyner,

Campbell, Indian Territory.

Dear Sir:

This office is in receipt of an affidavit as to the birth, on May 21, 1902, of Clara Bell Tyner, child of yourself and Martha Elizabeth Tyner.

The same is returned herewith and you are advised that the notary before whom the same was executed, has failed to attach his notarial seal thereto. There is quoted you the following section of the Cherokee Agreement, proclaimed August 12, 1902:

"During the months of September and October, in the year nineteen hundred and two, the Commission to the Five Civilized Tribes may receive applications for enrollment of such infant children as may have been born to recognized and enrolled citizens of the Cherokee Nation on or before the first day of September, nineteen hundred and two, but the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two."

You are requested to have the notary attach his seal to the affidavit and to return the same to this office, and if at any time in the future any legislation is enacted authorizing the enrollment of children born to recognized and enrolled citizens of the Cherokee Nation prior to September 1, 1902, and for whom no

-2-

application had been made prior to October 31, 1902, or if it is considered that this office has jurisdiction in such cases, the same will receive due consideration.

Respectfully,

(SIGNED)

James Dixby
Commissioner.

Incl. S-110

Cherokee D-97.

COPY.

Muskogee, Indian Territory, January 18, 1906.

V. V. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of your protest against the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, granting the application for the enrollment of Lewis, Martha Elizabeth, Robert Lee, Sarah Delilah, Mattie Emaline, William Dampsey, John Lewis and Ben Lafayette Tyner, as citizens by blood of the Cherokee nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be notified of the Secretary's action as soon as this office is advised of the same.

Respectfully,

SIGNED

Tame Dixby.
Commissioner.

LS

COPY.

Cherokee
D-97

Muskogee, Indian Territory, December 27, 1905.

W. V. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, granting the application for the enrollment of Lewis Tyner, his wife, Martha Elizabeth Tyner, and minor children, Robert Lee, Sarah Berilah, Mattie Kmaline, William Dempsey, John Lewis and Ben Lafayette Tyner, and dismissing the application for the enrollment of Mary Louisa Tyner, as citizens by blood of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you desire to make against the action of the Commissioner in this case. You will be required to serve a copy of any protest made upon the principal applicant, and upon your failure to make such protest, this decision will be considered final.

Respectfully,

SIGNED.

Tame Dixey.

Commissioner.

Incl B-60

Cherokee D-97.

COPY.

Muskogee, Indian Territory, January 18, 1906.

M. A. Gibson,

Attorney for Lewis Tyner, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, granting the application of Lewis Tyner for the enrollment of himself, his wife, Mary Elizabeth Tyner, and children, Robert Lee, Sarah Delilah, Mattie Estline, William Dempsey, John Lewis, and Ben Lafayette Tyner, as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mary Louis Tyner, who having died prior to September 1, 1902. You have heretofore been furnished a copy of the record of proceedings. You are advised the Cherokee Nation protests against the action of the Commissioner in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be notified of the Secretary's action as soon as this office is advised of the same.

Respectfully,

SIGNED.

Tame Dixby.

Commissioner.

Incl. S-71

Cherokee D-97.

COPY.

Muskogee, Indian Territory, January 18, 1906.

Levis Tyner,

Campbell, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, granting your application for the enrollment of yourself, your wife, Martha Elizabeth Tyner, and children, Robert Lee, Sarah Delilah, Mattie Emaline, William Dempsey, John Lewis and Ben Lafayette Tyner, as citizens by blood of the Cherokee nation, and dismissing the application for the enrollment of Mary Louisa Tyner, she having died prior to September 1, 1902. There has heretofore been furnished your attorney, E. A. Gibson, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision. You are advised the Cherokee Nation protests against the action of the Commissioner in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be notified of the Secretary's action as soon as this office is advised of the same.

Respectfully,

SIGNED:

Tame Bixby.

Commissioner.

Incl. S-70
Register

COPY.

Muskogee, Indian Territory, January 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment, as citizens by blood of the Cherokee Nation, of Lewis Tyner, et al., including the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1903, granting the application for the enrollment of Lewis, Martha Elizabeth, Robert Lee, Sarah Delilah, Mattie Emaline, William Tompsoy, John Lewis, and Ben Lafayette Tyner, as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mary Louisa Tyner, she having died prior to September 1, 1902.

The Cherokee Nation protests against that part of the Commissioner's decision favorable to the applicants, contending that the conclusion reached by the Commissioner, to-wit, that Lewis Tyner and certain members of his family were admitted to citizenship under the provisions of Congress approved June 10, 1896, by the United States Court for the Northern District of Indian Territory, is erroneous, and that no appeal was taken in

the case of Lewis Tyner from the decision of the Commission to the Five Civilized Tribes, dated October 23, 1896, adverse to the applicants embraced in the application of Lewis Tyner for admission to Cherokee citizenship.

The Nation asserts that its contention is substantiated by the records of the Commission to the Five Civilized Tribes, which show that the number of Lewis Tyner's 1896 application for admission is 1413; that the records not only show that no appeal was taken but that all the original papers in his case are now in the possession of the Commissioner, and were never transferred, or asked to be transferred, to the United States Court on appeal, and that the case of Jesse L. Tyner, in which an appeal was taken, is No. 3598 (Court No. 181), and that the case of Lewis Tyner was not included in the petition for appeal in the case of Jesse L. Tyner, the decision of the Commission in which case was reversed by the Court and the admission of the "claimants" in the case of Jesse L. Tyner granted. The Nation further submits that the finding of the Commissioner "admitting the applicants in this case does an injustice to the Cherokee Nation, does violence to the records of the Commission, is contrary to the law, and should not be affirmed".

In view of the direct contradiction of the attorney for the Nation to the finding of the Commissioner that the principal applicant, Lewis Tyner, was admitted by the Court in 1896, it is considered that the Department should be advised in reference

thereto.

There were several families who were applicants for admission to citizenship in the Cherokee Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), claiming the right to said admission by reason of being lineal descendants of one Dempsey Tyner, a Cherokee by blood. The decision of the Commission to the Five Civilized Tribes rejected said applicants, and the Commission's records show that the case of Jesse L. Tyner, Commission No. 3598 (Court No. 191), was appealed from the Commission's decision to the United States Court for the Northern Judicial District of Indian Territory, and that the records in certain other cases claiming the same right to admission, were "forwarded to complete case of Jesse L. Tyner, appealed", and the records in certain other cases claiming the same right, were not forwarded to the Court, notably, James A. Hibbs, Commission No. 3607, and Lewis Tyner, the principal applicant in this case, No. 1413.

The report of the Special Master in Chancery, to whom the case of Jesse L. Tyner, et al., was referred by the Court, shows that, among others, one James Hibbs and one Lewis C. Tyner prosecuted an appeal to the United States Court. The judgement of the Court allowed the claimants the right to be enrolled as citizens of the Cherokee Nation.

The case of these applicants is identical with that of James A. Hibbs (Cherokee D-448), said Hibbs and Lewis Tyner, the principal applicant in this case, are both descendants of Dempsey Tyner; there were two James Hibbs (James A. Hibbs, applicant in Cherokee D-448, and James Hibbs, who resided in Arkansas and is now deceased), both related to the Tyner family, and there are two Lewis Tyners, (Lewis Tyner, the principal applicant in this case, and Lewis Columbus Tyner, a brother of John W. Tyner, one of the heads of family, applicants for admission in 1896), both also related to the Tyners embraced in the 1896 applications.

On July 21, 1904 (I.T.P. 2396-1904), the Department in the case of James A. Hibbs, above mentioned, held that he prosecuted an appeal to the United States Court under the name of James Hibbs, and was admitted to citizenship in the Cherokee Nation by said Court, and accordingly reversed the decision of the Commission to the Five Civilized Tribes, dated September 11, 1903, rejecting the application for the enrollment of, among others, said James A. Hibbs, and authorized his enrollment as a citizen by blood of the Cherokee Nation.

The record transmitted herewith seems to conclusively show that the only person by the name of Lewis Tyner, or Lewis C. Tyner, who was an applicant for admission to citizenship in the Cherokee Nation in 1896, was the principal applicant in this case,

and that he was admitted to citizenship by judgement of the United States Court under the name of Lewis C. Tyner.

The statement of the attorney for the Cherokee Nation, to the effect that the original record in the matter of the application of Lewis Tyner for admission to citizenship in the Cherokee Nation, is at present in the possession of the Commissioner, is correct, as is also the original record in the matter of the application for the admission of James A. Hibbs.

Respectfully,

~~SIGNED~~

Tams Bixby.
Commissioner.

Incl. S-67

Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, January 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

January 18, 1906, the Commissioner transmitted the record of proceedings had in the matter of the application for the enrollment as citizens by blood of the Cherokee Nation of Lewis Tyner, et al., together with his decision, dated December 27, 1905, granting the application for the enrollment of Lewis Tyner, Martha Elizabeth Tyner, Robert Lee Tyner, Sarah Delilah Tyner, Mattie Emaline Tyner, William Dempsey Tyner, John Lewis Tyner, and Ben Lafayette Tyner.

There is inclosed a schedule containing the names of these applicants, Nos. 32844 to 32851 inclusive, and in the event of the approval of the Commissioner's decision enrolling said applicants, the approval of this schedule is recommended.

The names of the persons included in this schedule here follow in the same numerical order as on the schedule:

| No. | Name. |
|-------|------------------------|
| 32844 | Lewis Tyner |
| 32845 | Martha Elizabeth Tyner |

Secretary--2.

| No. | Name. |
|-------|-----------------------|
| 32846 | Robert Lee Tyner |
| 32847 | Sarah Delilah Tyner |
| 32848 | Mattie Emaline Tyner |
| 32849 | William Dempsey Tyner |
| 32850 | John Lewis Tyner |
| 32851 | Ben Lafayette Tyner |

Respectfully,

Incl. GL-60.
GHL

Commissioner.

Through the Commissioner
of Indian Affairs.

Cherokee D 97

COPY

Muskogee, Indian Territory, March 8, 1907.

Lewis Tyner,

Campbell, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, granting the application for the enrollment of Lewis, Martha Elizabeth, Robert Lee, Sarah Delilah, Mattie Eualine, William Dempsey, John Lewis, and Ben Lafayette Tyner as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mary Louise Tyner, was affirmed by the Secretary of the Interior, February 21, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED *Tams Dingle*
Commissioner.

Enc. N-80

MH

Cherokee D 97

Muskogee, Indian Territory, March 8, 1907.

N. A. Gibson,

Attorney for Lewis Tyner, et al.,

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1906, granting the application for the enrollment of Lewis, Martha Elizabeth, Robert Lee, Sarah Delilah, Mattie Emaline, William Dempsey, John Lewis, and Ben Lafayette Tyner as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mary Louise Tyner, was affirmed by the Secretary of the Interior, February 21, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Enc. M-117

Commissioner.

MH

Cherokee D 97

COPY

Muskogee, Indian Territory, March 8, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, granting the application for the enrollment of Lewis, Martha Elizabeth, Robert Lee, Sarah Delilah, Mattie Emaline, William Dempsey, John Lewis, and Ben Lafayette Tyner as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mary Louise Tyner, was affirmed by the Secretary of the Interior, February 21, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED *Tams Blady*

Enc. M-81

Commissioner.

MH

(COPY)

J.F.Jr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLR

I.T.D.21670-1906.
LRS

February 21, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 18, 1906, you transmitted the record in the matter of the application for the enrollment of Lewis Tyner et al. as citizens by blood of the Cherokee Nation, including your decision dated December 27, 1905, granting the application for the enrollment of Lewis, Martha Elizabeth, Robert Lee, Sarah Delilah Mattie Emaline, William Desaprey, John Lewis, and Ben Lafayette Tyner as citizens by blood of the Cherokee Nation, and dismissing the application for the enrollment of Mary Louise Tyner, she having died prior to September 1, 1902.

Reporting October 26, 1906 (Land 6581), the Indian Office recommended that your decision be approved.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Thos. Ryan,
(Signed) First Assistant Secretary.

3 inc. to Ind. Of.

A.F.Mc.
~~2-23-07.~~

Cher R 1032

Trans from Cher D 103

Cher R 1032


1463

13-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 9 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date Aug - 2 1900 1900.

Name Mark W. Davis

District Sequoyah Year 1896 Page 141 No. 19

Citizen by blood yes Mother's citizenship yes

Intermarried citizen yes

Married under what law Sequoyah Date of marriage Aug 2 1900

License yes Certificate yes

Wife's name Lizzie

District Sequoyah Year 1896 Page 141 No. 19

Citizen by blood yes Mother's citizenship yes

Intermarried citizen yes Parents James Reed

Married under what law Sequoyah Date of marriage Aug 2 1900

License yes Certificate yes

Names of Children:

| | | | | | |
|-------------------|-----------------------|------------------|-----------------|----------------|--------------|
| - 2 Mary M. Davis | Dist. <u>Sequoyah</u> | Year <u>1896</u> | Page <u>143</u> | No. <u>193</u> | Age <u>9</u> |
| - 3 Lucy H. | Dist. <u>"</u> | Year <u>"</u> | Page <u>156</u> | No. <u>194</u> | Age <u>7</u> |
| - 4 Sadie E. | Dist. <u>"</u> | Year <u>"</u> | Page <u>156</u> | No. <u>195</u> | Age <u>5</u> |
| | Dist. <u>"</u> | Year <u>"</u> | Page <u>"</u> | No. <u>"</u> | Age <u>"</u> |
| | Dist. <u>"</u> | Year <u>"</u> | Page <u>"</u> | No. <u>"</u> | Age <u>"</u> |
| | Dist. <u>"</u> | Year <u>"</u> | Page <u>"</u> | No. <u>"</u> | Age <u>"</u> |
| | Dist. <u>"</u> | Year <u>"</u> | Page <u>"</u> | No. <u>"</u> | Age <u>"</u> |
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| | Dist. <u>"</u> | Year <u>"</u> | Page <u>"</u> | No. <u>"</u> | Age <u>"</u> |
| | Dist. <u>"</u> | Year <u>"</u> | Page <u>"</u> | No. <u>"</u> | Age <u>"</u> |

- 2 on 1896 roll as Mary - Davis
- 3 " " Lucy - "
- 4 " " Martha - "

Marriage license is proof of marriage to be applied.

92102

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
SALLISAW, I. T., AUGUST 8, 1900.

In the matter of the application of Sarah Barnes for enrollment of herself and her children as citizens of the Cherokee Nation, said Barnes being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Sarah Barnes.
Q Your age A 29.
Q Your postoffice? A McKee.
Q Are you a Cherokee citizen by blood? A No sir.
Q By intermarriage? A Yes.
Q What district do you live in? A Illinois district.
Q How long have you lived there? A For 10 years.
Q Been living there right along for 10 years? A Yes back and forwards in here and out.
Q How long have you lived in the Cherokee Nation? A 10 years.
Q All the time? A Yes.
Q Who do you apply for enrollment for? A My children and myself.
Q You are a white woman? A Yes, and adopted citizen.
Q What is your father's name? A James Ross.
Q Is he living? A No sir.
Q Was he a non-citizen? A He was a white man.
Q What is your mother's name? A Lizzie.
Q Is she living? A Yes.
Q Is she a white man? A Yes.
Q Are you married? A I am not any more-- I am a widow.
Q When were you married? A In '90.
Q What month in '90? A 21st of December '90.
Q Whom did you marry? A William Barnes.
Q Was he a Cherokee citizen? A Yes.
Q Have you any certificate of marriage? A Yes, it is here in the office I reckon-- that is what they told me yesterday.
Q How old was William Barnes? A If he had lived until now he would have been 27 or 28 years old.
Q What was your husband's father's name? A Tom Barnes.
Q Was he a Cherokee citizen? A Yes.
Q Is he living? A No sir.
Q When did he die? A I don't know.
Q What was William Barnes' mother mother's name? A Lucy Murphy.
Q Was she a Cherokee by blood? A Yes.
Q Is she living? A No sir.
Q Have you any children? A Yes.
Q Give names of the eldest who are at home? A Mary M., 12 years old.
On '96 roll, page 1055, number 193, as Mary Barnes;
On '94 roll, page 935, number 90 as Mary Barnes.
Q Next one? A Lucy W., 7 years old.
On '96 roll, page 1055, number 194, as Lucy Barnes;
On '96 roll, page 935, number 91, as Lacy.
Q Next one? A Sadie E., 5 years old.
On '96 roll, page 1055, number 195, as Murtie Barnes.
Q Are all these children alive and living with you? A Yes.
Applicant's husband, deceased, on 80 roll, page 665, number 192.
Q Do you know who married you? A His name was Rell (Rall?) I don't know where he is.

Applicant on '96 roll, page 1111, number 19.
The name of Sarah Barnes appears upon the census roll of '96. She avers that she was married to William Barnes, a Cherokee citizen by blood in the year '90, but presents no certificate of marriage nor no proof. The names of her children, Mary M., Lucy W., and Sadie E., are found upon the census roll of '96 and pay-roll of '94, duly identified, and satisfactory proof as to their residence.

From the fact that no proof of marriage is made the final judgment as to the enrollment of herself and children will be suspended awaiting proof of marriage.

Brown McDonald, being sworn, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above named application, and that the foregoing is a full, true and correct transcript of his notes.

(SIGNED) Brown McDonald.

Sworn to and subscribed before me this 27th day of August, 1900, at Fort Gibson, I. T.

(SIGNED) T. B. Needles.
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch

Subscribed and sworn to before me this 24 day of March, 1903.

Charles H. Seymour

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 10, 1900.

In the matter of the application of Sarah Barnes for enrollment as an intermarried Cherokee; Andrew B. Ross being sworn and examined by Commissioner Needles testifies as follows:

- Q What is your name? A Andrew B. Ross.
Q What is your age? A Twenty-seven.
Q What is your postoffice address? A McKey.
Q Are you a citizen of the Cherokee Nation? A No sir.
Q What district do you live in? A Illinois.
Q How long have you lived there? A I have been living there about seven years.
Q Did you know William Barnes? A Yes sir.
Q Is he living? A No sir.
Q Do you know Sarah Barnes? A Yes sir.
Q What relation did they bear to each other? A They was husband and wife.
Q Was Sarah Barnes married to William Barnes? A Yes sir.
Q How do you know? A I saw them married.
Q Where? A Down here on Sallisaw Creek.
Q What district? A In Illinois.
Q Who married them? A Parson Reel.
Q Where were you living at that time? A I was living up on the Sallisaw Creek.
Q How far did you live from them? A About ten miles.
Q How did you happen to be there? A We was moving, and we hadn't cought our chickens and we went back there to catch our chickens.
Q And they were married right where your chickens were? A Yes sir, at the same house.
Q Do you know when William Barnes died? A He died last June.
Q Did you know him all the time from the time he married Sarah Barnes until he died? A Yes sir.
Q Did Sarah and him live together as man and wife all the time? A Yes sir.
Q Was this man that married them a preacher? A Yes sir.
Q Do you know where he is now? A Last summer he was at Siloam Springs.
Q You don't know whether he is living or not? A No sir.

Examination by Cherokee Representative Hastings:

- Q How long ago was they married? A About ten years ago.
(Applicant says her husband has been dead about two years.)

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full true and complete transcript of his stenographic notes.

M. D. Green.
Subscribed and sworn to before me this 16th day of August 1900.

C. R. Breckinridge.
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch

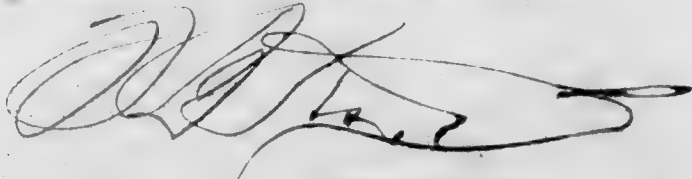
Subscribed and sworn to before me this 24 day of March, 1903.

Charles H. Karpman
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
February 18, 1902, Muskogee, I.T.

In the matter of the application of Sarah Barnes for the enrollment of herself and children as citizens of the Cherokee Nation.

The applicant was notified by registered mail February 4, 1902, that her case would be taken up for final consideration by the Commission on the 18th instant, and that she would on said date be given an opportunity to introduce any further testimony affecting her application. She has been called three times, and fails to respond either in person or by attorney, and the case is closed.

A handwritten signature in dark ink, appearing to be 'W. H. Jones', written in a cursive style.

Commissioner.

2103

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 11 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
February 18, 1902, Muskogee, I. T.

In the matter of the application of Sarah Barnes for the enrollment of herself and children as citizens of the Cherokee Nation.

The applicant was notified by registered mail February 4, 1902, that her case would be taken up for final consideration by the Commission on the 18th instant, and that she would on said date be given an opportunity to introduce any further testimony affecting her application. She has been called three times, and fails to respond either in person or by attorney, and the case is closed.

(SIGNED) T. B. Needles,
Commissioner.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch

Subscribed and sworn to before me this 24 day of March, 1903.

Charles X. Langue
Notary Public.

MARRIAGE LICENSE.
UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT

NO. 6

TO ANY PERSON LEGALLY AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE-----
Greetings:

You are Heroby Commanded to solemnize the Rite and publish the Banns of Matrimony between Mr. J. W. Duggin of Sallisaw, in the Indian Territory, aged 41 years, and Mrs. Sarah A. Barnes of Sallisaw in the Indian Territory, aged 28 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal at Wagoner, Indian Territory this 3 day of May, A. D. 1901.

(SEAL)

(Signed) Chas A. Davidson.

By (Signed) R. C. Hunter.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT.

I, A. Quessenbury, Mayor of the Incorporated town of Sallisaw, Indian Territory, DO HEREBY CERTIFY, that on the 4 day of May, A. D. 1901, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 4th day of May, A. D. 1901,

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book -----, Page,-----.

(SEAL)

(Signed) A Quessenbury,
Mayor.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT.

I, CHARLES A DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office on the 13 day of July 1901 at -----M, and duly recorded in Book L, Marriage Record, Page 16

Witness my hand and seal of said court at Wagoner, in said Territory, this 2 day of Aug A. D. 1901,

(Signed) Chas A. Davidson, Clerk.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T. August 18, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of J. W. Duggin as a citizen of the Cherokee Nation.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, March 24, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch

Subscribed and sworn to before me this 24 day of March, 1903.

Charles H. Sawyer
Notary Public.

Office of----

J. H. HUCKLEBERRY, SR.,

Attorney at Law.

Notary Public and Insurance Agent.

Represents Commercial Lawyers)
Association, St. Louis, Mo.)

Will Practice in all Courts in the Indian Territory.

Sallisaw, I.T., July 25, 1902.

Hon. Thomas Neady,

Daws Com.

Dear Sir:

Please let me know the condition of claim of children of Sarah Barnes children to wit Mary, Lucy and Mirtle.

You required sometime ago a licens or copy therof of her marriage to William Barnes. There having never been no record made of their marriage we could not furnish it but furnished a certificate from Cherokee authorities that no record was ever made.

She proved by herself and one witness that she and Barnes were married and I am advised you found a certificate of her marriage in records of Sequoyah when it should have filed in Illinois district.

If any additional evidence is required she can furnish every witness in her behalf.

Please notify me the present condition of case also whether other testimony is required.

There is no doubt that they were married and that the children are Cherokees by blood. She having remarried claims no rights.

Very truly

J. H. Huckleberry Sr.

2

10103



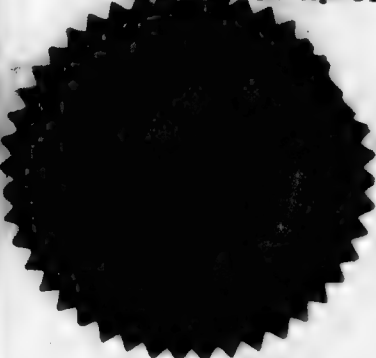
EXECUTIVE DEPARTMENT



CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

I, B. W. Alberty, assistant Executive secretary, of the Cherokee Nation do hereby certify that I have examined the Marriage records of both Illinois District and Sequoyah District Cherokee Nation now filed in this Office and in my legal custody by act of the Cherokee National Council, to find the record of the marriage of William Barns to Sarah Ross, alleged to have occurred in December 1890, but I fail to find said marriage on record.

Given under my hand and the seal of the Cherokee Nation this the 2nd day of April 1902.


B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

Cherokee D. 103.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE NINE CIVILIZED TRIBES.

In the latter of the application for the enrollment of
Mary M., Mary W. and Sadie E. Barnes as citizens by blood of the
Cherokee Nation.

The record in this case shows that on August 8, 1900,
Sarah Barnes appeared before the Commission at Gallsaw, Indian
Territory, and made application for the enrollment of her three
minor daughters, Mary M., Mary W. and Sadie E. Barnes, as citizens
by blood of the Cherokee Nation. Further proceedings were had in
the matter of said application at Gallsaw, Indian Territory, on
August 16, 1900.

Sarah Barnes is also an applicant before this Commission
for enrollment as a citizen by intermarriage of the Cherokee Nation,
and her application is not passed upon at this time as she is
not concerned in this decision.

The record also shows that Sarah Barnes, nee Ross, was married
on the 15th day of January, 1850, to one William Barnes, a citizen
by blood of the Cherokee Nation and the father of the Cherokee en-
rollment roll of 1850. This William Barnes has been dead about
twenty years. As a result of the marriage there have been three
minor daughters born. They are identified on the Cherokee census
roll of 1850.

The evidence further shows that Sarah Barnes was residing
in the Cherokee Nation for ten years next preceding the date of the
application herein. The minor children have lived with their said
mother all their lives and it is considered that their residence has
been continuous in the Cherokee Nation.

CHAS. J. DAWSON
HENRY L. DAWSON
DANIEL L. DAWSON
THOMAS H. DAWSON
C. D. DAWSON

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

ALFRED L. AYERWORTH
SECRETARY

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

February 4th

1902

Sarah Barnes,

McKee, Indian Territory,

Madame:

You are hereby notified that the application of... **yourself and three minor children** for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the **18th** day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission requires that marriage license or proof thereof be supplied.

Yours truly,

Cherokee D-103.

Acting Chairman.

CO.

PI
FEB 2 1972

RECEIVED

167
Muskogee, Indian Territory, March 21, 1902.

Mrs. Sarah Barnes,

McKee, Indian Territory.

Madam:

On the 14th day of February, 1902, there was addressed to you a communication notifying you that the application of yourself, and three minor children for enrollment as citizens of the Cherokee Nation, would be taken up for final consideration by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 18th day of February, 1902, and wherein you were requested to supply the marriage license, or proof thereof. It appears from the records that you have failed to comply with the above request.

You are hereby notified that this proof is extremely essential in the disposition of your case, and your immediate attention to it is requested and urged.

Yours truly,

Commissioner in Charge.

In answering refer to
Cherokee D. 103
Register.

Cherokee D-103

Muskogee, Indian Territory, July 29, 1902.

J. H. Huckleberry, Sr.,

Attorney for Sarah Barnes et al,

Ballisaw, Indian Territory,

Dear Sir:

In reply to your letter of July 20th, you are advised that the Commission has not yet rendered a final decision in the matter of the application for the enrollment of Sarah Barnes and children as citizens of the Cherokee Nation.

It is noticed that you state in your letter that Sarah Barnes has remarried since the date of her application, and withdraws her claim to right to enrollment.

You are requested to furnish the Commission with the original or a certified copy of her marriage license and certificate, in order that the records of the Commission may be properly corrected.

Please give this matter your prompt attention.

Yours truly,

Commissioner in Charge.

RECEIVED
JAN 27 1903
LAND DEPT.
TO THE COMMISSION
TO THE FIVE CIVILIZED TRIBES
AT WASHINGTON

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee D-103.

Vinita, Indian Territory, January 26, 1903.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Referring to the list of Cherokee doubtful cases held for further testimony, transmitted with the Commission's recent letter, the following note appears thereon opposite Cherokee D-103, Sarah Barnes, et al: "Card states that No. 1 has married (J. W. Duggin), a non-citizen, since the death of her Cherokee husband; further testimony should be taken on this point."

There is on file with the record in this case, a marriage license and certificate showing the marriage on May 4, 1901, between J. W. Duggin and Sarah Barnes.

A carbon copy of the letter from the Commission to J. H. Buckleberry, Sr., Attorney for Sarah Barnes, et al., refers to his letter of July 22, 1902, in which the statement is made that 'Sarah Barnes has re-married since the date of her application and withdraws her claim to right to enrollment.'

The records of this office show that no such person as J. W. Duggin, has ever applied to be enrolled as a citizen of the Cherokee Nation and an examination of the tribal rolls of the Chero-

INDEXED.

JAN 26 1903

Cherokee Land Office,
Vinita, I. T.,
Jan. 26, 1903.

CHEROKEE ENROLLMENT.

Rel. to Cherokee D-103, Sarah
Barnes, et al.

92

kee Nation, fails to identify him thereon.

In view of the facts above stated, I desire to be advised if it is deemed necessary that further testimony should be taken as to the citizenship of the present husband, J. W. Dugrin, of the principal applicant.

Respectfully,


Clerk in Charge.

FP

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALISTON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES, Cherokee D-103.

Muskogee, Indian Territory, July 29, 1903.

Sarah Barnes,

McKee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 1, 1903, granting your application for the enrollment of your three minor children, Mary M., Lucy W. and Sadie E. Barnes, as citizens by blood of the Cherokee Nation.

Respectfully,


Commissioner in Charge.

Register.

Enc. H-5.

Tahlequah, Indian Territory, September 10, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith the original cards
and jackets in Cherokee cases:

D- 82
D- 103
D- 169
D- 262
D- 456

D- 646
D- 786
D-1029
D-1049
D-1146.

The Commission has heretofore rendered decisions granting the applications of some of the applicants in each case. The applicants embraced in the Commission's decisions have been transferred as shown by notes on the cards, and the original cards and jackets are returned herewith for the preparation of decisions as to the remaining applicants.

Respectfully,

Clerk in Charge,
Cherokee Land Office.

Encl-S-35
GRS

Cherokee No.
D. 103

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

21/1/07

Muskogee, Indian Territory, January 10, 1907.

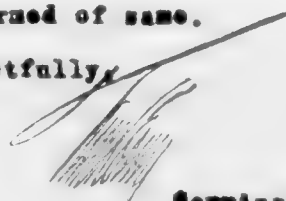
Sarah Barnes,

McKey, Indian Territory

Dear Madam :

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,



Incl. Decn. D

Commissioner.

COPY.

**Department of the Interior,
Commissioner to the Five Civilized Tribes**

In the matter of the application for the enrollment, as citizens by intermarriage
of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

| | | | |
|----------------------|-----|---------------------|-----|
| James Watson | 5 | Scott Harless | 294 |
| Benjamin W. Williams | 8 | Emma Phillips | 307 |
| Lena Severs | 19 | John Whisenhunt | 350 |
| Sarah E. McCay | 21 | Tilman Chance | 373 |
| Joseph Herberger | 23 | Thomas A. Sheffield | 384 |
| Laura Henson | 43 | Vester C. Martin | 388 |
| William W. Barnes | 48 | William Grigsby | 417 |
| Georgia Wood | 54 | William J. Largen | 508 |
| Walter A. Edens | 62 | Joseph P. Willis | 584 |
| Adda B. Ward | 69 | James T. Miller | 598 |
| Samuel G. Victor | 73 | George A. Waters | 632 |
| Sarah M. Thomas | 109 | Jenette Messer | 666 |
| William B. Watson | 165 | Joseph A. Patton | 679 |
| William H. Ford | 173 | Benjamin G. Holland | 763 |
| Thomas N. Wilson | 185 | William Gordon | 798 |
| Ulsie Ann Smith | 206 | Meggie Patterson | 804 |
| Susan M. Perry | 208 | Martha M. Bruner | 832 |
| Gertrude Palone | 224 | Emma Morris | 842 |
| Hugh Willis | 229 | Susie Fivekiller | 857 |
| Mary A. Wilkie | 248 | John F. Carden | 861 |
| John W. Thurman | 253 | William H. Burrow | 967 |

| | | | |
|----------------------|------|---------------------|------|
| Mary Pettit | 977 | Millie Morton | 1554 |
| Bettie Mitchell | 985 | Andrew Walters | 1573 |
| John J. Harrison | 993 | John H. Holder | 1610 |
| Jasper N. Bateman | 1029 | Mary M. Burr | 1612 |
| Susan Ballard | 1065 | Thomas E. Bonham | 1644 |
| Lucy Eva Simmons | 1073 | Florence Hendrick | 1663 |
| Ellen Thornton | 1089 | Daisy B. Brewer | 1709 |
| Sarah E. Hair | 1090 | Annie Cordrey | 1717 |
| Norman S. Drake | 1092 | Adam Eckert | 1722 |
| Susan Hogg | 1094 | Isaac Timmons | 1726 |
| David L. Scott | 1099 | Gent Gibson | 1727 |
| James C. Taylor | 1111 | Amos Anderson | 1731 |
| Roxie Shepard | 1128 | William J. Mounts | 1734 |
| Robert G. Elgin | 1136 | James D. Alexander | 1745 |
| William Hall | 1137 | Willis E. Miles | 1769 |
| Mary Ella Lattimore | 1141 | Lora Adair | 1781 |
| Maggie J. Keys | 1149 | John Yarborough | 1796 |
| Joseph M. Correll | 1177 | Lillie M. Dassler | 1802 |
| Jane Ratley | 1225 | Bryant C. Redington | 1804 |
| George E. Norton | 1234 | Malisa A. Maxwell | 1808 |
| Mahala D. Thompson | 1247 | Richard Dukes | 1811 |
| Charles M. Trammel | 1264 | Fannie Pettit | 1816 |
| Flora Carlile | 1265 | Genevia Pool | 1817 |
| William H. Norrid | 1275 | Mollie Crossland | 1822 |
| Olivia Benge | 1276 | Lizzie Benge | 1828 |
| Dollie Wilson | 1278 | John H. Welty | 1847 |
| Moses Bell | 1279 | Edward P. White | 1884 |
| Sarah Fleetwood | 1290 | Lauren P. Green | 1887 |
| Rosa E. Fargo | 1299 | Charles Rosser | 1898 |
| William M. Oliver | 1333 | Fay Adair | 1913 |
| Andrew J. Couch | 1340 | Henrietta Irving | 1920 |
| Lina Hyles | 1347 | Bird Trippard | 1925 |
| Mary M. Miller | 1350 | John C. Carlile | 1937 |
| Mary E. Taylor | 1368 | John W. Gilstrap | 1954 |
| Polly Ann Benge | 1369 | Sarah Young | 2018 |
| Margaret Moton | 1385 | Nancy A. Coleman | 2049 |
| Minnie McKinney | 1390 | James N. Whisenhunt | 2118 |
| Nettie Seabolt | 1418 | Hiram Stephens | 2157 |
| Lawrence G. Faulkner | 1433 | Asa L. Guinn | 2159 |
| Sarah A. Holt | 1449 | Rebecca J. Flying | 2172 |
| Jennette Polecat | 1492 | Thomas J. Measles | 2192 |
| Ellen Seabolt | 1508 | Julia Coody | 2215 |
| Charles W. Nettles | 1509 | Sarah Crutchfield | 2224 |
| Lena Sittingdown | 1511 | Henry E. Lee | 2251 |
| Tim Creeden | 1513 | Sarah Gritts | 2256 |
| Odie Pidcock | 1517 | John A. Madden | 2261 |
| Silas A. Saterfield | 1529 | Henry C. Pennel | 2271 |
| Laura J. Jeremiah | 1530 | Matilda S. Cleland | 2302 |
| Etta Hicks | 1540 | Donna A. Frazier | 2312 |
| Mary A. B. McKinney | 1550 | Laura B. Cordrey | 2320 |

| | | | |
|-----------------------|------|------------------------|------|
| Lafayette D. Kindred | 2328 | William A. J. Trotter | 3257 |
| Pearl V. Sisson | 2339 | Albert P. Goforth | 3298 |
| Nancy J. Sevier | 2380 | Anna B. Martin | 3307 |
| Mollie Hair | 2385 | William Brown | 3344 |
| Dora Sayers | 2474 | Jennie B. Bluejacket | 3345 |
| William T. Jones | 2501 | William Little | 3377 |
| Sarah L. Martin | 2502 | Julia M. A. Russell | 3386 |
| William J. Shoemaker | 2506 | Andrew J. Smith | 3393 |
| Maud Baldrige | 2511 | William N. Blakemore | 3396 |
| James L. Townsend | 2513 | Lizzie Denton | 3417 |
| George L. Morgan | 2568 | Belle Hudson | 3435 |
| Andrew A. Brown | 2575 | Thomas S. Heady | 3437 |
| Louis K. Fair | 2623 | William M. Roseborough | 3444 |
| James L. Mitchell | 2644 | Madison G. Hawkins | 3467 |
| Martha E. McNair | 2659 | Japhat F. Ellis | 3491 |
| Millard F. Eggleston | 2668 | Emma McAffrey | 3543 |
| Elisha M. Gray | 2686 | William T. Huitt | 3570 |
| Jessie M. Ballard | 2694 | Myra F. Chouteau | 3580 |
| Annie Mayes | 2798 | Phillip Donohoo | 3581 |
| Belle Sixkiller | 2809 | Fred L. Kelley | 3593 |
| James P. Riley | 2825 | Annie Herod | 3594 |
| William Broadbus | 2854 | Maggie V. Fields | 3615 |
| William A. Martin | 2865 | Lou Payne | 3616 |
| Joseph Q. Buchanan | 2888 | Frederick W. Strout | 3692 |
| Marcellus L. Baker | 2905 | Andrew L. McCamish | 3713 |
| Etta M. Hill | 2915 | Sarah Dittthrower | 3731 |
| John R. Smith | 2922 | William P. Coble | 3758 |
| Ira W. Wallen | 2926 | Robert L. Madison | 3761 |
| John B. Laurence | 2959 | Mariah McDowell | 3795 |
| Lula O. Hitchcock | 2961 | Elizabeth R. Thornton | 3811 |
| Bell L. Muskrat | 2975 | Donithan A. Wilson | 3841 |
| Eliza O'Field | 2977 | Charles F. Covey | 3868 |
| Margaret Suagee | 2993 | Tamsey M. Williams | 3886 |
| Winfield S. Nance | 3007 | Mary J. Wolfe | 3889 |
| Benjamin F. Kelley | 3010 | Lathan Lombard | 3891 |
| Mollie Daugherty | 3039 | Micajah P. Haynes | 3897 |
| Charles H. Leatherman | 3043 | Annie L. Wingfield | 3903 |
| Alice A. Edwards | 3100 | Mary Fields | 3907 |
| Dorinda Adair | 3106 | William W. Dudley | 3944 |
| William R. Gray | 3118 | Minnie M. McLaughlin | 3950 |
| Dora B. Caulk | 3143 | Henry B. Lindsey | 3978 |
| Jesse M. Gallman | 3161 | Wilbert H. Parkison | 3999 |
| Martha E. Garrett | 3162 | Seth R. Hall | 4011 |
| Artie E. Large | 3164 | Wiley Hanna | 4016 |
| Andrew A. Kelley | 3191 | Martha M. Woods | 4093 |
| Anna B. Ryne | 3193 | Lizzie Gray | 4117 |
| Eliza Henderson | 3198 | Nancy C. Carey | 4131 |
| David E. Jenkins | 3212 | Annie E. Kenney | 4165 |
| Lizzie Falling | 3233 | William H. Ward | 4169 |
| Robert L. Payne | 3252 | Nannie Brewer | 4189 |

| | | | |
|-----------------------|------|------------------------|------|
| Nancy J. Kinney | 4225 | Roxie J. Ketchum | 4623 |
| Sydney E. Bell | 4232 | Lizzie Love | 4626 |
| Isaac H. Jordan | 4235 | Robert K. Wann | 4632 |
| Charles Parks | 4244 | Frederick Metzner | 4633 |
| Dora Frenchman | 4262 | John C. Bratcher | 4634 |
| James R. Fugate | 4275 | Pigrow L. Jones | 4641 |
| Maud Adams | 4277 | Ada Bertholf | 4642 |
| Elizabeth Black | 4281 | Alice Robbins | 4644 |
| Anna Thornton | 4291 | Jane Dougherty | 4649 |
| Robert T. Morrison | 4294 | Samuel Francis | 4650 |
| Perley Israel | 4295 | Clemon C. Peek | 4652 |
| William A. Long | 4304 | Mont C. Frazier | 4653 |
| Mollie Swannock | 4319 | Frank J. Mayberry | 4656 |
| Frances Guess | 4324 | Charles W. Moore | 4660 |
| Allen H. Gibson | 4327 | Jefferson D. Edmondson | 4661 |
| John McFall Jr. | 4343 | Alonzo H. Boone | 4662 |
| Albert W. Fitzsimmons | 4360 | Thomas C. Mock | 4668 |
| George S. Ford | 4386 | Sallie Allison | 4669 |
| Quinn Carr | 4387 | Elizabeth E. Burgess | 4671 |
| William A. Powell | 4390 | LaFayette Breeden | 4673 |
| Austin Hasley | 4400 | James M. Boling | 4676 |
| Anna Bible | 4414 | Francis A. Neilson | 4681 |
| Elizabeth Riley | 4428 | John F. Smith | 4689 |
| John P. Sudderth | 4449 | Rufus S. Steward | 4691 |
| Anderson Keen | 4450 | John I. Haddock | 4694 |
| Ida M. Adams | 4451 | Maggie O. Walkley | 4695 |
| Martha J. Randall | 4457 | George W. Talbert | 4698 |
| Mollie Conner | 4477 | Mary Miller | 4700 |
| Jane McGhee | 4491 | Henry C. White | 4707 |
| Jennie Riley | 4525 | Mattie E. Hill | 4760 |
| Hannah Randall | 4528 | Alice A. Bible | 4772 |
| Charles W. Childers | 4542 | Katie Coker | 4785 |
| Nannie B. Riley | 4543 | John Creek | 4801 |
| John W. McDaniel | 4544 | Ruby R. Bean | 4804 |
| Minnie Armstrong | 4548 | William J. Dodson | 4836 |
| Ada Chouteau | 4549 | Blackburn Reed | 4882 |
| Mary Thompson | 4571 | Viola Lowther | 4891 |
| Ota Armstrong | 4593 | William B. Ritchson | 4910 |
| Mary Spencer | 4594 | Henry D. McDonald | 4950 |
| Clarkson F. Woody | 4603 | Della McDaniel | 4956 |
| James M. McConnell | 4604 | Dorothy Rattinggourd | 4991 |
| Annie E. Coker | 4605 | Ida McCay | 5093 |
| Jennie Long | 4606 | Henry M. Lyon | 5100 |
| Julia Gilstrap | 4607 | Alice J. Wofford | 5101 |
| Laura E. Smith | 4608 | Nancy Morris | 5137 |
| Annie Nicholas | 4609 | Ella Sullivan | 5140 |
| Minnie R. Taylor | 4611 | Winfield Williams | 5144 |
| Mary E. Rogers | 4614 | Bessie M. Smith | 5145 |
| Emma Downing | 4615 | May Humphrey | 5207 |
| William Steere | 4619 | Donnie Burgess | 5235 |

| | | | |
|-----------------------|------|----------------------|------|
| Nora B. Burgess | 5236 | William A. Polson | 5613 |
| John E. Etter | 5239 | Paulina P. Pitcher | 5614 |
| Harriette Rogers | 5240 | Charley Headrick | 5615 |
| Amanda Foreman | 5244 | William N. Stinson | 5616 |
| William H. Wells | 5261 | Lenora A. Henry | 5621 |
| John T. Gaylor | 5266 | Effie M. Adams | 5622 |
| Annie Sweeten | 5269 | John H. Shimp | 5624 |
| Rosalee Hendricks | 5278 | Thomas B. Dickson | 5625 |
| Emma Chambers | 5328 | Minnie Henry | 5628 |
| James H. Thomas | 5329 | Thomas J. Simpson | 5629 |
| Melville B. Baird | 5332 | Cap L. Lane | 5630 |
| James R. Goodall | 5356 | Reuben E. DeLozier | 5631 |
| Charles Horton | 5390 | John Heape | 5640 |
| James W. Goddard | 5417 | Perry G. Brock | 5645 |
| Dora Cox | 5425 | Mary J. Newcomb | 5650 |
| Nannie G. Albery | 5438 | George W. Seigel | 5660 |
| Sallie Ward | 5455 | Martha A. Parks | 5666 |
| William H. Sutherland | 5484 | Zelda C. Mills | 5674 |
| Lizzie Hall | 5487 | Lizzie Rogers | 5675 |
| Cyrus B. Essex | 5489 | Emma Pigeon | 5676 |
| Eda Taylor | 5493 | Nellie Bluejacket | 5677 |
| Laura Taylor | 5494 | Lucy Bacon | 5679 |
| Electer D. Miller | 5496 | Thomas B. Wood | 5681 |
| Emberson M. Arnold | 5498 | Asa W. Simerson | 5683 |
| Stella Henry | 5499 | William J. Kuhn | 5686 |
| William E. Oneal | 5506 | Elsie Couch | 5688 |
| John M. Sharp | 5509 | William H. Robinson | 5692 |
| John L. Davis | 5514 | Rachel Washington | 5693 |
| Sarah E. Downing | 5518 | Isaiah B. Blackwood | 5700 |
| Samantha C. Glass | 5524 | John R. Johnson | 5701 |
| Harry Jones | 5525 | Dennis W. Smith | 5702 |
| Aggie Paris | 5532 | William H. Chesnut | 5705 |
| James W. Hallford | 5535 | William H. Durham | 5707 |
| Phoebe Coker | 5537 | Albert B. Buckmaster | 5710 |
| Anthony K. Douglas | 5538 | Maud Crutchfield | 5730 |
| Joseph H. Johnson | 5541 | Joseph S. Layne | 5731 |
| Harvey O. Riggs | 5547 | Lena Bell | 5737 |
| Alice Glass | 5553 | Juan N. Corn | 5748 |
| Addison Reeves | 5566 | Robert N. Crafton | 5750 |
| Alice Coats | 5572 | Benjamin F. Coffee | 5756 |
| Julia Kidd | 5575 | Frank McSpadden | 5760 |
| William R. Greer | 5576 | Charles D. Pendleton | 5775 |
| Rosa M. Sixkiller | 5581 | Harden H. Green | 5776 |
| Nancy Inlow | 5587 | Emma J. Ward | 5778 |
| Daisey H. Owen | 5599 | Robert C. Fuller | 5781 |
| Annie R. C. Owen | 5600 | Henry F. Extine | 5796 |
| Jesse McKnight | 5602 | Ida Wyly | 5802 |
| Cicero J. Strange | 5610 | Richard L. Fite | 5815 |
| Henry Westenhaver | 5611 | Edward Lutz | 5816 |
| Emma H. Roach | 5612 | John F. Woodworth | 5829 |

| | | | |
|-----------------------|------|-----------------------|------|
| Horace H. Huddleston | 5832 | George C. Duffield | 6031 |
| William R. Sartain | 5837 | Amelia Reese | 6033 |
| Joseph A. Lawrence | 5843 | Alexander West | 6036 |
| William H. Hinton | 5846 | John Tootle | 6037 |
| Joseph Lehr | 5851 | Florence G. Langley | 6038 |
| Edin M. Young | 5852 | John T. Ham | 6042 |
| Mary C. Barnes | 5853 | Mary L. Jordan | 6048 |
| Matilda Thompson | 5861 | John W. Bradshaw | 6076 |
| William W. Young | 5872 | James L. Dean | 6079 |
| Earley F. Ellis | 5874 | Amanda J. Thompson | 6082 |
| Rosa B. Alberty | 5877 | Malissa Hubbard | 6089 |
| Sarah Cannon | 5879 | Jane Benge | 6111 |
| Mamie Beck | 5887 | John D. Ryals | 6113 |
| Jack H. Merchant | 5888 | John C. DeLozier | 6117 |
| John D. Merchant | 5889 | Jessie Willis | 6118 |
| Sarah E. Ghormley | 5894 | Mary A. Clark | 6124 |
| Jerry Young | 5906 | Mary J. Tipton | 6126 |
| James H. Brickey | 5916 | Leander Newton | 6136 |
| Mary Hicks | 5919 | William A. Qualls | 6138 |
| George W. Weems | 5922 | Henderson B. Thomas | 6144 |
| Albert Crain | 5923 | Hugh T. Watkins | 6163 |
| James M. Jones | 5932 | Nancy Keys | 6172 |
| Alfred W. Shelly | 5935 | Berry Hutchins | 6186 |
| John M. Stratton | 5936 | Eli Parker | 6189 |
| Waddie Hudson | 5937 | Sarah E. Shaw | 6194 |
| Robert C. Johnson | 5939 | Julia Keys | 6211 |
| Mary T. Thompson | 5941 | Boon J. Grey | 6214 |
| Edith A. Parris | 5943 | John Grubb | 6216 |
| Addie Hubbard | 5949 | William M. Costephens | 6230 |
| John A. Lowry | 5962 | Jane Bean | 6232 |
| John R. W. Brantley | 5963 | Lillie I. Taylor | 6236 |
| James T. Carroll | 5964 | Abbie B. Adair | 6239 |
| Christopher F. Jordan | 5965 | Mack C. Watkins | 6246 |
| Minerva E. Stover | 5966 | Robert W. Murray | 6261 |
| John W. Twilley | 5967 | John G. Petty | 6269 |
| Joseph W. Mounce | 5970 | Lucinda Poorboy | 6279 |
| Cornelius P. Potter | 5971 | Sarah Mayes | 6286 |
| Amanda C. Thompson | 5972 | Henry W. Pyeatt | 6300 |
| John M. Rusk | 5976 | Isaac A. Wilson | 6308 |
| Harrison L. Hughes | 5978 | John T. Hall | 6310 |
| Silas B. Dildine | 5983 | Edward L. King | 6315 |
| Lewis M. Payne | 5985 | Katie Still | 6325 |
| Nancy Beamer | 5988 | Emmer Carlile | 6338 |
| Sarah F. Selvidge | 6002 | Bird Webster | 6347 |
| Posy F. Buckner | 6005 | Fannie Morris | 6353 |
| John A. Moreland | 6010 | Leonard Lee | 6357 |
| Alice Welch | 6015 | James R. Miller | 6362 |
| Mary C. Thompson | 6022 | James Brackett | 6370 |
| Ida Beck | 6029 | Nora Allen | 6371 |
| William R. Tittle | 6030 | John T. Washington | 6373 |

| | | | |
|------------------------|------|---------------------|------|
| James J. Snider | 6375 | James L. Lee | 6717 |
| William H. Winget | 6376 | Rosa Phillips | 6723 |
| Ida R. Wilkerson | 6383 | Kate Brown | 6735 |
| George A. McBride | 6385 | Laura B. Barnett | 6743 |
| Matilda Cookson | 6387 | Elizabeth Sanders | 6745 |
| William A. Fisk | 6392 | William T. Neff | 6747 |
| William O. Ames | 6394 | William R. Scott | 6751 |
| Thomas Wilkerson | 6396 | Laura Fish | 6770 |
| Alice C. Springston | 6407 | Maggie Ketcher | 6779 |
| Fanny N. Witt | 6413 | Dora A. McDonald | 6783 |
| Lillie M. Adair | 6424 | Rosie B. Willis | 6785 |
| Mark F. Matheson | 6428 | Daniel Hubbard | 6787 |
| Ida L. Wilson | 6431 | Mary R. Tadpole | 6801 |
| George E. Marrs | 6441 | Magnus A. McSpadden | 6811 |
| Ulysses S. Reeves | 6443 | Sarah F. Pathkiller | 6824 |
| Daniel A. Smith | 6447 | Clora Twist | 6845 |
| Henry J. Dawson | 6450 | Mattie M. Welch | 6846 |
| Sarah Adair | 6452 | Cora Griffin | 6850 |
| Ida F. Wilson | 6455 | John S. Hyatt | 6853 |
| Mary E. Taylor | 6459 | Jefferson K. Tyner | 6855 |
| Catherine Henson | 6468 | Flora R. Miller | 6859 |
| Charles C. Fitzsimmons | 6471 | Lizzie Craig | 6872 |
| Mary E. Campbell | 6476 | Jacob C. Johnson | 6876 |
| Columbus N. Long | 6478 | George W. Ware | 6897 |
| Mary Wilkerson | 6480 | James B. Deatherage | 6901 |
| Myrtle Ward | 6484 | Lucinda F. Hartness | 6943 |
| Belle Manus | 6499 | Frances E. Tehee | 6961 |
| Martha E. McLain | 6508 | James M. Burt | 6965 |
| Mary A. Brown | 6517 | Rady Tipton | 6975 |
| Marion M. Ballew | 6530 | Laura Hendricks | 6976 |
| Mellie Mayfield | 6540 | Laura V. Smith | 6979 |
| Sarah Blevins | 6541 | Lorenzo C. Darnell | 6988 |
| Frank Powell | 6542 | Robert M. Mitchell | 7004 |
| Georgia Jackson | 6546 | William Henry Reeve | 7005 |
| Leonard S. Simpson | 6549 | James Pyle | 7009 |
| Almira Ussrey | 6560 | Willie Hilderbrand | 7015 |
| James McInerney | 6561 | Alice M. Roberson | 7031 |
| Fannie Carlile | 6578 | Charles Morris | 7043 |
| Sadie A. Mayfield | 6580 | Minerva J. Trent | 7051 |
| Silas A. Bryan | 6581 | John H. Keith | 7078 |
| William S. Martin | 6585 | Katie E. Ratley | 7080 |
| Emma J. Thompson | 6589 | Etta Patrick | 7081 |
| Lydia McDaniel | 6593 | Nannie Martin | 7090 |
| David W. Lamb | 6595 | Rosa B. Harris | 7094 |
| Gus R. Hart | 6603 | Samuel Brown | 7100 |
| Poca Phillips | 6632 | William H. Turner | 7101 |
| Lois E. Daniel | 6678 | Florence Mayes | 7104 |
| William W. Turner | 6689 | Maggie McCoy | 7112 |
| Lillie B. Blackstone | 6714 | Mary Belle Cordry | 7113 |
| Mary Lillard | 6715 | Benjamin Haner | 7119 |

| | | | |
|-----------------------|------|----------------------|------|
| James Maher | 7128 | Robert B. Collins | 7556 |
| Terry A. Parkinson | 7146 | Naney I. Brown | 7579 |
| Cora L. Hanks | 7147 | Mary B. Walkingstick | 7642 |
| Otto J. Zufall | 7149 | Robert T. Kelleam | 7653 |
| Rufus M. Norman | 7155 | Mollie Morton | 7797 |
| Mary F. Foreman | 7158 | Mattie Girty | 8006 |
| Alma West | 7159 | Mack Alfred | 8015 |
| James M. Connally | 7161 | Ida Harmon | 8016 |
| Francis M. Crowell | 7163 | Ida McCoy | 8417 |
| Fannie E. McClure | 7171 | Rosie Foreman | 8903 |
| Benjamin B. Graham | 7176 | Annie Jackson | 9034 |
| Ada Phariss | 7180 | Margaret T. Langley | 9092 |
| William L. Whisenhunt | 7184 | Ida M. Davis | 9266 |
| Frances B. Perry | 7191 | Nora Crapo | 9289 |
| Philip Shultz | 7210 | Margaret Harmon | 9378 |
| Hester A. Miller | 7212 | Mary B. Langley | 9438 |
| Minnie B. Edmonds | 7213 | Ella Gravitt | 9439 |
| Eliza Jordan | 7217 | William M. Wilson | 9444 |
| William T. Ross | 7218 | David O. Scott | 9446 |
| Thomas M. Price | 7225 | Harriett Forbes | 9447 |
| James G. Wilson | 7231 | John Carver | 9449 |
| Frank Rhomar | 7263 | Thomas J. Davis | 9451 |
| John W. Thompson | 7267 | Clara M. Boudinot | 9453 |
| Melissa Booth | 7271 | Mary E. Keys | 9454 |
| Solon L. Jackson | 7273 | John G. Ainsworth | 9456 |
| Henry W. Coughran | 7282 | Mary J. Christy | 9460 |
| Sarah Ross | 7291 | Malinda Seabolt | 9462 |
| Mary S. Smith | 7322 | Mary Cumpton | 9464 |
| John A. Martin | 7323 | Mollie P. Mulkey | 9465 |
| Myrtle Robinson | 7330 | Andrew Brimmer | 9467 |
| Allen L. Buckner | 7331 | James F. Flippin | 9471 |
| James L. Goad | 7350 | William Bird | 9473 |
| Elijah Johnson | 7351 | Mollie C. Forbes | 9476 |
| Mary E. Kimbrough | 7360 | William H. Thomason | 9478 |
| Jennie Burr | 7367 | Mollie Devine | 9481 |
| Kiasay Sapsucker | 7378 | Mary P. Guthrie | 9482 |
| Sarah J. Johnson | 7394 | Detlev N. Leerskov | 9484 |
| William I. Branan | 7409 | Nannie Cowart | 9485 |
| Wyatte T. Brady | 7412 | Leona Catcher | 9489 |
| Lena O. Holderman | 7413 | Alexander B. Clapp | 9502 |
| Mary F. Hummingbird | 7420 | Tennie Sanders | 9503 |
| Bertha A. Allen | 7425 | Virgil A. Wiltshire | 9505 |
| Robert J. Tynes | 7426 | Joshua K. Carr | 9510 |
| Fannie B. Martin | 7434 | Herbert Kneeland | 9518 |
| Myrtle Wolfe | 7435 | Hugh E. Hope | 9519 |
| Mary Blevins | 7479 | Thomas J. Ritter | 9522 |
| Sarah Ketcher | 7488 | Martha Baldrige | 9529 |
| Charles D. England | 7512 | James R. Poindexter | 9535 |
| May Cochran | 7544 | Maud Foreman | 9539 |
| Rebecca Oglesby | 7549 | Belle Bryant | 9542 |

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| Joseph P. Smith | 9550 | William G. Brown | 9879 |
| George E. Watkins | 9552 | John B. Delay | 9881 |
| Florence Henry | 9553 | Pairlee Thompson | 9882 |
| Jesse H. Johnson | 9560 | Guenther W. Werther | 9883 |
| Lydia B. Barger | 9561 | Margaret Crittenden | 9884 |
| Mary Jane Thomas | 9562 | Moses L. Morris | 9889 |
| James F. Petty | 9563 | Sarah L. Rogers | 9891 |
| Laura McCrary | 9566 | Stephen Duncan | 9892 |
| Joel D. Smith | 9568 | Gideon D. Sleeper | 9895 |
| William T. Cave | 9572 | William A. Maddin | 9896 |
| William Bugher | 9577 | John H. Horton | 9904 |
| James M. Smith | 9582 | Howe L. Rogers | 9905 |
| John E. Nazworthy | 9583 | William Rush | 9912 |
| Beverly L. Lafon | 9587 | George W. Edens | 9916 |
| Robert L. Gentry | 9590 | William H. Hall | 9920 |
| John C. Barker | 9591 | Edith B. Pheasant | 9935 |
| John P. Greenwood | 9593 | Carrie A. Collins | 9936 |
| Henry Hayes | 9596 | Lucinda Spriggs | 9937 |
| Ella Cornwell | 9598 | Ella F. Hall | 9939 |
| Asa A. Hedrick | 9599 | John W. Harris | 9949 |
| William C. M. Robinson | 9600 | Hannah Raper | 9942 |
| Woodrow Hadley | 9612 | John J. Coughran | 9945 |
| William T. Gregory | 9613 | Youra F. Waybourn | 9946 |
| Charles M. Keys | 9616 | Louisa J. Taylor | 9947 |
| Bate O. Reed | 9618 | William M. Evans | 9948 |
| Joseph E. Feland | 9623 | William F. Pierce | 9940 |
| Florence C. Smith | 9625 | May F. Chambers | 9950 |
| Charles M. Cox | 9630 | Albert Stevenson | 9954 |
| Otis S. Skidmore | 9634 | Henry Kiefer | 9955 |
| William H. Hundley | 9635 | Sarah Bean | 9956 |
| Thomas A. McDonald | 9636 | Zeno M. Cox | 9964 |
| Annie Sanders | 9638 | Jerusha E. Blair | 9965 |
| Mack H. Martin | 9640 | Elias Kyle | 9991 |
| Mary Ward | 9653 | Ida Cushman | 9992 |
| George Givens | 9658 | James W. Fleming | 9994 |
| Pheney Poorboy | 9660 | Samuel Holmes | 9995 |
| Charley Kiper | 9671 | Walter H. Talley | 9997 |
| Andrew J. Snider | 9672 | Hannah J. Miller | 9998 |
| William T. Barton | 9684 | Clara V. Ward | 10002 |
| Daniel Crail | 9770 | Stephen W. Pittsenberger | 10005 |
| Mary M. Motte | 9771 | Mary E. Palmour | 10008 |
| Lecia E. Herrin | 9854 | William T. Partin | 10011 |
| Gailen E. Carrick | 9855 | Nellie Fields | 10013 |
| Rosa B. Barger | 9857 | Sarah A. Dawes | 10015 |
| Rachel Foreman | 9858 | Willard E. Hutchins | 10016 |
| Serepta C. Willis | 9861 | Jesse Talbert | 10020 |
| Virgie Seabolt | 9864 | Julia E. Setser | 10021 |
| Annie Cannon | 9867 | Amanda E. Howell | 10022 |
| Isabella McCoy | 9874 | Mamie J. Rogers | 10023 |
| Robert E. Dry | 9875 | Nannie Rogers | 10024 |

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| James B. Bradshaw | 10025 | Millie A. Carnes | 10113 |
| Ida L. White | 10026 | Lucy E. Robards | 10114 |
| Addie B. Miller | 10027 | Edward H. Fitzgerald | 10115 |
| William R. Condry | 10028 | John T. Pickard | 10117 |
| James D. Canary | 10029 | Charles Rains | 10118 |
| John Kelley | 10031 | Nancy Mayfield | 10123 |
| Kate Craig | 10033 | Anna B. Tittle | 10124 |
| John A. Butts | 10034 | Richard A. Clark | 10126 |
| John J. Dameron | 10035 | Emma B. Martin | 10128 |
| William Warner | 10036 | Walter L. Bates | 10129 |
| George A. Allen | 10037 | Nellie Brewer | 10130 |
| Watie Shetley | 10038 | William Heffernan | 10131 |
| John E. Carter | 10039 | Levi Ackley | 10132 |
| John M. Boyd | 10043 | Bessie Davis | 10133 |
| William Fister | 10047 | Eva Brackett | 10135 |
| Darius B. Troth | 10049 | Caleba Carnes | 10136 |
| Harry A. Kelley | 10050 | Jacksie M. Waybourn | 10138 |
| Mary E. Purcell | 10051 | Minnie Shutt | 10139 |
| Myron L. Bronson | 10052 | Charles L. McClure | 10140 |
| George W. Taylor | 10053 | William W. Russell | 10141 |
| Josie Lowther | 10054 | Delia Jenkins | 10142 |
| Fannie D. Perry | 10055 | John A. Hood | 10143 |
| Minnie B. Williams | 10056 | Oba Maxfield | 10145 |
| Solomon Copeland | 10058 | Mary L. Cloud | 10146 |
| Etha B. Wood | 10059 | Callie Inlow | 10147 |
| James Pace | 10060 | Everett M. Lawrence | 10148 |
| Wiley B. McElhaney | 10062 | Dora E. Hays | 10150 |
| Nancy Patrick | 10063 | Julia M. Schrimsher | 10151 |
| James R. Stout | 10072 | Farmelia E. Lyman | 10153 |
| George Parker | 10073 | Charles F. Trickey | 10161 |
| Laura Morton | 10074 | Louisa J. Palmour | 10169 |
| John D. Kelly | 10075 | George L. Walker | 10170 |
| Nettie Swift | 10078 | Annie Taylor | 10171 |
| Maggie Baldrige | 10079 | Josie Winters Hall | 10174 |
| David R. Stubblefield | 10080 | Alice Nichols | 10181 |
| Thomas J. C. Thompson | 10081 | Lizzie Dry | 10182 |
| Cora P. Harlan | 10082 | Emma Murray | 10183 |
| William L. Singleton | 10083 | Annie Winton | 10187 |
| Lester Evans | 10084 | Marian Evans | 10188 |
| Ellen Mayfield | 10085 | Elizabeth J. McClain | 10192 |
| Ella Bray | 10087 | Eliza J. Price | 10199 |
| David J. Matthews | 10094 | Rissie Still | 10200 |
| Thomas Brown | 10100 | Hannah E. Langley | 10201 |
| Houston J. Payne | 10103 | Alma Keith | 10203 |
| Malinda E. Scudder | 10104 | Flora A. Terrill | 10204 |
| Henry Odell | 10105 | Talesphora A. Paradee | 10205 |
| Fred Macy | 10107 | Samuel Shadix | 10206 |
| Mary Russell | 10108 | Mary E. Childers | 10207 |
| Thomas B. Brown | 10109 | Robert M. Hamilton | 10208 |
| Samuel L. Milligan | 10111 | Julia Billingslea | 10209 |

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| Nannie Martin | 10210 | Joseph Reed | D 468 |
| Sarah A. Fields | 10214 | Adolphus J. Hallum | D 483 |
| Susie Henderson | 10216 | Alexander Walker | D 490 |
| Charles H. Rienhardt | 10218 | Albert J. High | D 491 |
| William H. Watkins | 10221 | America Matoy | D 501 |
| Frank M. Rucker | 10222 | Moses L. Grazier | D 503 |
| Henry C. Reed | 10224 | Myrtle Hall | D 509 |
| Laura B. Timberlake | 10226 | Wallace Thursday | D 544 |
| George A. Brown | 10228 | Thomas W. Baker | D 546 |
| Drucilla Lowrey | 10232 | Mattie E. Keys | D 550 |
| Almira Mouse | D 9 | William S. Edwards | D 560 |
| Lenora Prather | D 16 | Susan L. Reed | D 572 |
| Andrew M. Cooter | D 17 | William H. Lyman | D 574 |
| Martin L. Stokes | D 28 | Gracia Davis | D 577 |
| Peter Walters | D 44 | Edward C. Bolen | D 582 |
| Columbus M. Reeves | D 58 | Dora Guthrie | D 585 |
| Sarah Barnes | D 103 | Samuel H. Hawkins | D 594 |
| George T. Kiddy | D 108 | Lula M. Purcell | D 600 |
| Henry C. Agent | D 139 | Ben Estes | D 603 |
| Joseph Phipps | D 147 | Thomas M. Reynolds | D 621 |
| Henry Hilton | D 149 | Arthur Dodge | D 622 |
| David A. McGlamery | D 161 | Carrie L. McNair | D 624 |
| Maggie Doublehead | D 169 | Constantine N. Walker | D 641 |
| Annie Lovett | D 180 | Joseph Davis | D 648 |
| Nora Hood | D 184 | Leander A. Keys | D 650 |
| John A. Johnson | D 232 | James J. Barndollar | D 655 |
| Nathaniel G. Simpson | D 242 | Nathan J. Brink | D 682 |
| Oncico W. Head | D 244 | William S. Miles | D 688 |
| Etta Taylor | D 245 | Emma Waybourn | D 698 |
| Susan V. Sullivan | D 262 | Dora E. Rogers | D 708 |
| Levi H. Tackett | D 263 | James W. Turley | D 709 |
| William H. Connelley | D 264 | Lizzie Ward | D 711 |
| Julia A. Sullivan | D 284 | Robert J. Holly | D 713 |
| May Fields | D 297 | Belle I. Quinton | D 728 |
| Katie Hummingbird | D 308 | Francis M. Boothe | D 734 |
| William F. Sager | D 320 | Amos W. Lord | D 746 |
| Lovick P. Garrison | D 334 | Agnes N. Childers | D 749 |
| Henry Grubb | D 338 | John E. Renfrow | D 752 |
| Lucy F. Lacey | D 340 | William Coon | D 759 |
| Callie Blevins | D 341 | Louis Bruere | D 779 |
| James S. Alfrey | D 355 | Georgia A. Waybourn | D 786 |
| Shadrack C. Wallen | D 368 | Eliza Fields | D 787 |
| Ada Hall | D 376 | William H. Brown | D 788 |
| Jane M. Hicks | D 396 | William A. Cox | D 793 |
| Fannie L. Dupree | D 403 | Charles A. Robison | D 799 |
| Willis Battles, Jr. | D 404 | Artha Williams | D 800 |
| Joshua W. Ellis | D 413 | Adam Gearhart | D 806 |
| Nina B. Owen | D 450 | Cicero F. Rogers | D 855 |
| John M. Ridenour | D 458 | Annie Garrett | D 856 |
| Emery S. Thompson | D 464 | George S. Yarborough | D 875 |

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| Rhoda A. Sanders | D | 878 | Ella Vann | D | 1320 |
| Manuel Spencer | D | 884 | Linnie Wofford | D | 1330 |
| Benjamin H. Hulbert | D | 891 | Minnie Downing | D | 1332 |
| Mary Brassfield | D | 935 | Katie Rider | D | 1334 |
| James L. Tindle | D | 944 | Samuel G. Mills | D | 1337 |
| Silas G. Reneckar | D | 966 | Alfred H. Woods | D | 1342 |
| Eliza Wofford | D | 967 | Cynthia Whitekiller | D | 1352 |
| Jasper L. Newton | D | 971 | Susie McSpadden | D | 1361 |
| John N. Guinn | D | 974 | Martha J. Houston | D | 1363 |
| Hannah Parson | D | 989 | Samuel M. Collier | D | 1367 |
| Nellie C. Helterbrand | D | 1003 | Katy Payne | D | 1369 |
| Thomas J. Welch, Jr. | D | 1006 | Joseph H. Warren | D | 1375 |
| Lizzie Christian | D | 1010 | Mattie Miller | D | 1433 |
| George Hazlewood | D | 1013 | S. F. Moore | D | 1434 |
| James M. Jones | D | 1022 | Addie Schrimsher | D | 1448 |
| Reuben A. Evans | D | 1032 | Fannie Vann | D | 1458 |
| Carrie H. Cobb | D | 1049 | Marcella Blakeney | D | 1474 |
| John M. Burns | D | 1069 | G. W. Williamson | D | 1555 |
| Sarah E. Henson | D | 1083 | C. F. Walker | D | 1558 |
| Laura D. Henson | D | 1086 | Louisa Blevins | D | 1567 |
| Hettie E. Downing | D | 1090 | Frank Cowles | D | 1581 |
| Benjamin F. Crain | D | 1099 | Mary Francis Madding | D | 1637 |
| Benjamin Strickler | D | 1129 | Thomas Rodman | D | 1661 |
| Nancy Spaniard | D | 1130 | Katie Still | D | 1866 |
| Annie Wilson | D | 1131 | Ira Creach | D | 1913 |
| Ora H. Maxwell | D | 1135 | D. A. Mounts | D | 1967 |
| Reuben W. Moore | D | 1136 | J. C. Sefton | D | 1991 |
| Cora Childs | D | 1146 | Jennie Holland | D | 2024 |
| Janie Hughes | D | 1179 | Lou Sanders | D | 2216 |
| Francis B. Reid | D | 1180 | Caroline Barnes | D | 2591 |
| Martha Carey | D | 1195 | Lacey Crane | D | 2592 |
| Christina Johnson | D | 1199 | Daisy Cash | D | 2595 |
| Louvenia Ironside | D | 1208 | Hiram A. Landers | D | 2599 |
| Martha J. Henson | D | 1218 | Charles Neel | D | 2603 |
| David A. Martin | D | 1228 | Mattie Robinson | D | 2605 |
| Fred D. McEnery | D | 1235 | Jennie Rich | D | 2606 |
| Nathaniel R. Martin | D | 1261 | Alexander C. Russell | D | 2607 |
| James H. Requa | D | 1266 | Pricilla Ross | D | 2608 |
| Frank Carver | D | 1267 | Tom W. Reeves | D | 2609 |
| Etta B. Payne | D | 1270 | Mary Smart | D | 2612 |
| Mary Garrett | D | 1271 | Rufus Tidmore | D | 2613 |
| Joe W. Goodman | D | 1272 | Jasper Turquitt | D | 2614 |
| Mathew J. Flanigan | D | 1274 | Mabel West | D | 2618 |
| Lizzie C. Holland | D | 1285 | Ophelia West | D | 2619 |
| Etta Downing | D | 1291 | Cora Whisenhunt | D | 2620 |
| William Caywood | D | 1296 | Katy Martin | D | 2667 |
| Clarence W. Turner | D | 1307 | Willis Butler | D | 2686 |
| Alfred Chaney | D | 1313 | Claud Barger | D | 2687 |
| Euphemia Sweetwater | D | 1314 | Disie Conner | D | 2698 |
| Etta Russell | D | 1319 | John Culwell | D | 2699 |

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| Herbert F. Couch | D | 2700 | Samuel A. Parkhurst | D | 2821 |
| Albert C. Dykes | D | 2703 | Ellen Rogers | D | 2822 |
| Delora Drew | D | 2704 | Elijah Rolland | D | 2827 |
| Frank F. Danderson | D | 2705 | Endora Steele | D | 2828 |
| James Gafford | D | 2708 | William M. Stucker | D | 2829 |
| Anna L. Harlin | D | 2715 | Sallie Tauuneacie | D | 2831 |
| William R. Lipsey | D | 2717 | Mary Tasse | D | 2832 |
| Bertha Landrum | D | 2718 | John F. Wolf | D | 2835 |
| Lila More | D | 2722 | Ruth A. Ward | D | 2840 |
| John D. Mathews | D | 2723 | Winnie Daugherty | D | 2884 |
| Mary McIntosh | D | 2725 | Mary Guthrie | D | 2885 |
| Bertha Nidiffer | D | 2730 | Lydia Long | D | 2886 |
| Richard Nichols | D | 2731 | Edda Roberts | D | 2887 |
| William S. Ross | D | 2738 | Manda Ward | D | 2889 |
| Irene Riley | D | 2739 | Elmira J. Alberty | D | 2905 |
| William H. Rowley | D | 2740 | Thomas C. Cordray | D | 2906 |
| Colombus C. Scroggins | D | 2741 | Edward Fowler | D | 2907 |
| Della Summers | D | 2743 | Dora Foreman | D | 2908 |
| William S. Sage | D | 2744 | Parker Holt | D | 2909 |
| Eliza Thomas | D | 2748 | John Haston | D | 2910 |
| John P. Thurman | D | 2749 | Georgie Harlin | D | 2911 |
| Mary E. Davis | D | 2770 | Percillia Johnson | D | 2913 |
| Jessie Frick | D | 2774 | Bettie Morton | D | 2915 |
| Enna Buffington | D | 2788 | Samantha Spade | D | 2917 |
| Will Black | D | 2789 | Mariah Ward | D | 2918 |
| Maggie E. Davis | D | 2792 | Ellen Watt | D | 2919 |
| Thomas Dotts | D | 2793 | Nora Morten | D | 2920 |
| William Daws | D | 2794 | Lizzie Anderson | D | 2981 |
| Nancy Dawson | D | 2796 | Francis Duval | D | 2984 |
| Lena Fields | D | 2797 | Wade S. Hayes | D | 2987 |
| Effie Grayham | D | 2798 | James A. Hankins | D | 2988 |
| Alice C. Hill | D | 2799 | Joseph Hardee | D | 2991 |
| Bertha H. Harlin | D | 2800 | Tennie Horn | D | 2992 |
| Margrett C. Hudson | D | 2801 | Eveline Hall | D | 2993 |
| Joseph A. Kelley | D | 2803 | John E. Leftwich | D | 2995 |
| Andrew O. Kepler | D | 2804 | Mattie Henson | D | 2994 |
| Josephine King | D | 2805 | John D. Colvard | D | 2998 |
| Sarah Jane Birdsong | D | 2806 | Charles W. Phillips | D | 2999 |
| Marion Maddox | D | 2807 | Sarah Shanks | D | 3000 |
| John A. McKenzie | D | 2808 | Nettie Young | D | 3009 |
| Ione McGee | D | 2809 | Jerry P. Ables | D | 3048 |
| Ollie Miller | D | 2810 | Almedie Ross | D | 3052 |
| William A. Martin | D | 2811 | John S. J. Fowler | D | 3055 |
| Jesse P. Morrow | D | 2812 | Leaner Hood | D | 3056 |
| Oliver Mason | D | 2813 | James D. Jackson | D | 3057 |
| Edna Whitehead | D | 2814 | Emma G. Nelson | D | 3058 |
| Charley Nuckolls | D | 2815 | Alice Simco | D | 3059 |
| Etta M. Nidiffer | D | 2817 | George O. Wallace | D | 3060 |
| Louizer Osrowee | D | 2818 | Fannie Clay | D | 3078 |
| William H. Patterson | D | 2820 | Ellen Drew | D | 3079 |

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| Lue Fish | D | 3081 | Della Baldrige | R | 105 |
| Horace Gray | D | 3082 | Samuel Richey | R | 107 |
| Lula Pack | D | 3083 | Malissa Fields | R | 144 |
| Lelia C. Harris | D | 3084 | Fred Zimmerman | R | 220 |
| Thomas Jones | D | 3086 | Ella Anspach | R | 241 |
| Benjamin Laws | D | 3088 | Michael R. Mizer | R | 266 |
| Martha Spade | D | 3092 | Belle A. Powell | R | 352 |
| Julian Wyrick | D | 3093 | Austin L. Hill | R | 420 |
| Samuel Harlan | D | 3157 | Mary L. Dudley | R | 439 |
| Lizzie Phariss | D | 3171 | Stephen Hazlett | R | 465 |
| Jack Michael | D | 3172 | Mary A. Payne | R | 484 |
| Sarah E. Davis | D | 3176 | Rebecca Bengt | R | 563 |
| Grace Guthrie | D | 3181 | Sarah Wilson | R | 613 |
| Mary E. Thornton | D | 3183 | Dora Crane | R | 628 |
| Mamie Thompson | R | 4 | Andrew Sitrell | R | 642 |
| Jimmie G. Thompson | R | 5 | John Sitrell | R | 642 |
| William T. Kelly | R | 10 | Lillie May Wilson | R | 643 |
| Alice Tidwell | R | 19 | Ollie A. Barger | R | 656 |
| Rosenna McLaughlin | R | 41 | Ida Hawkins | R | 671 |
| Martha A. Perdue | R | 45 | Lizzie Davis | R | 761 |
| Gabriel L. Payne | R | 61 | Clara M. Emmons | R | 803 |

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

(SIGNED) *Fame Bixby*

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Cherokee
D 103

Muskogee, Indian Territory, March 14, 1907.

Sarah Barnes,

McKee, Indian Territory.

Dear Madam:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

MTM

Commissioner.

Cherokee
5 et al

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

Cher R 1033

Cher R 1033

Department of the Interior,
Commission to the Five Civilized Tribes,
Sallisaw, I.T., August 10, 1900.

In the matter of the application of Nicholas D. Porter for the enrollment of himself and children as Cherokee by blood and his wife as a Cherokee by intermarriage: being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your full name? A Nicholas D. Porter.
Q What is your age? A 33.
Q What is your post office, Mr. Porter? A Fort Smith at present.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Does your name appear upon the Cherokee rolls? A It does, on the 1894 roll, and I was re-admitted in 1895, or my mother was.
Q Have you got a certificate? A Yes, sir.
Q What district do you live in? A I registered in Tahlequah district.
Q Where do you live? A I am at present living in Fort Smith.
Q How long have you lived in Fort Smith? A I was born there.
Q Have you lived there ever since? A No, sir, I have lived in the Territory, worked in the Territory, I have worked here off and on all my life.
Q Are you a married man? A Yes, sir.
Q Where is your actual residence now, Mr. Porter? A I would have to say Fort Smith.
Q Your family live there? A Yes, sir, they are there now.
Q Has your family ever lived in the Territory? A Yes, sir.
Q When did they live here? A They came here in 1891 from North Carolina, and they lived here off and on until 1894.
Q Where did you and your family live in the year 1898? A My wife was either in Prior Creek or Grove, and I was in Little Rock.
Q Where was her residence, was she keeping house there? A No, sir, she was living with her mother.
Q The fact is, you never have lived in the Territory any? A Yes, sir I have.
Q You were not living here on what 28th day of June, 1898? A No, sir.
Q And you haven't lived here since? A No, sir.
Q What is your occupation? A I am a printer.
Q What is the name of your father? A My father is William A. Porter, my mother was the Indian.
Q Is your father living? A No, sir.
Q Was he a citizen? A No, sir.
Q What was your mother's name? A Mary Jane Cox.
Q What was her married name? A Mary Jane Porter.
Q Is she a citizen by blood? A Yes, sir.
Q Is she living? A Yes, sir.
Q Where does she live? A She is living at Fort Smith, and has lived there all her life, ever since she was 16 years old, she is on the old settlers' roll and also on the 1894 roll.
Q Whose rolls do you name appear upon? A I think it is on the rolls of 1880 and 1894.
Q What district were you in in 1897? A Canadian.
Q Your wife was a non citizen? A No, sir.
Q Is she a citizen by blood? A Yes, sir.
Q What is her name? A Lizzie.
Q What was her name before you married her? A Lizzie Kidd.
Q When did you marry Lizzie Kidd? A In 1893.
Q What is her age? A 24.
Q Have you any children? A One.
Q What is its name? A Edward H..
Q How old is it? A 18 months.
Q Is your wife living? A Yes, sir.
Q What district were you in when you drew your strip of money? A In Tahlequah.

Nicholas D. Porter - 2.

(On 1894 roll, page 112, No. 2337, Nicholas Porter, Tahlequah dist. Not on 1880 roll, or on 1896 roll.)

Mr. W. W. Hastings, representative of Cherokee Nation: Where were you born? A Fort Smith.

Q Were you ever admitted to citizenship in the Cherokee Nation?

A That is the time I got this paper, and I was enrolled, in all. Where were you living in 1880? A Fort Smith.

Q Then did you move to Tahlequah? A I went there in 1889 or 1890, 1890 I think.

Q How long did you live there? A I lived there about four years and a half.

Q Where did you go from there? A I went from there to Fort Smith.

Q Where are you living now? A Fort Smith.

Q Has your wife been on any of the rolls of the Cherokee Nation?

A Yes, sir, she is on that 1894 roll.

Q Is she on the 1896 roll? A No, sir.

Commissioner Needles: A She is not on the 1880 roll either? A No sir.

Mr. Hastings: Was she ever admitted to citizenship in the Cherokee Nation? A She was by that Citizenship Court, Judge Gunter was the Judge of it.

Q Have you got a certificate of it? A No, sir.

Q Did she draw money in 1894? A Yes, sir.

Q Were you married to her then? A Yes, sir.

(On 1894 roll, page 450, No. 2325, Lizzie Porter, Delaware dist. Upon examination of the authenticated roll of 1880 the name of Nicholas D. Porter is not found, neither is his name found upon the roll of 1896. The name of his wife, Lizzie Porter, nee Kidd, is not found upon the rolls of 1880 or 1896.)

The name of Nicholas D. Porter and his wife are not found upon the authenticated roll of 1880 or the roll of 1894, but his name is found on the roll of 1894, and his wife is found on the roll of 1894. He avers that he was married to said Lizzie Kidd January 26, 1894, and by said marriage has a child, Edward H., 16 months old. No certificate of admission is presented either for himself or for his wife. He does not present a certificate signed by R. T. Hanks, Assistant Executive Secretary, under the seal of the Cherokee Nation, dated January 16, 1893, certifying that Mary Jane Porter was readmitted to the rights and privileges of Cherokee citizenship under an Act of the Nation Council on December 16, 1870, as appears of record in the Executive Department of the Cherokee Nation. The name of his mother, Mary Jane Porter, does not appear upon the authenticated roll of 1880. He does not make satisfactory proof as to his residence, neither of himself, nor of his wife and child. Final judgment as to the enrollment of the said Nicholas D. Porter and his wife Lizzie and his child Edward H. will be suspended, and their names will be placed upon a doubtful card. He will be notified by mail of the decision of the Council when it is finally determined. Whether it is adverse or favorable to him. The record herein made will be forwarded to the Secretary of the Interior for his consideration when the final rolls of the Cherokee Nation are forwarded. Any further proof that the said applicant desires to make will be received by this Commission at any time before the final decision is made. His child, Edward H., having been born since the compilation of the rolls, his name does not appear. His name will be placed upon a doubtful card when proper proof of its birth is shown with this Commission.

a-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 17 1880

[Handwritten signature]

Nicholas D. Porter - 3.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 15th day of August, 1900.

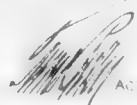
Chas. D. Porter

Commissioner

12-
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 10 1900



ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date

AUG 10 1900

1900.

1 Name

Michael H. Porter

J. H. Smith, Clerk.

District

Tahlequah

Year *1891*

Page *120*

No. *2357*

Citizen by blood *yes*

Mother's citizenship

Intermarried citizen

Married under what law

Parents } *William H. Porter*

Date of marriage *May 9 1891*

License

Certificate

2 Wife's name

Lizzie Porter

District

Adrian

Year *1891*

Page *110*

No. *325*

Citizen by blood *yes*

Mother's citizenship

Intermarried citizen

Married under what law

Date of marriage

License

Certificate

Names of Children:

3 *Edward H. Porter*

Dist.

Year

Page

No.

Age *16 m*

Dist.

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Age

3 Affidavit of birth to be appended

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1107

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE AMERICAN CIVILIZED TRIBES

FILED
MAR 11 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I.T., February 18, 1908.

In the matter of the application of Nicholas D. Porter for the enrollment of himself, wife and child as citizens of the Cherokee Nation.

The applicant was notified by registered letter February 4, 1908, that his case would be taken up for final consideration by the Commission on the 18th instant, and that he could on said day appear before the Commission and offer any additional testimony affecting his case. He was especially requested to supply the Commission with a certificate as to the admission of his wife, Lizzie, to citizenship in the Cherokee Nation. Also an affidavit as to the birth of his child. Receipt has been acknowledged of the Commission's letter. The applicant has been called three times, but fails to respond either in person or by attorney, and the case is closed.

By W. W. Hastings, Cherokee Representative: The representative of the Cherokee Nation suggests that the newspapers of this week stated that Nicholas D. Porter himself died the past week.



Commissioner.

Cherokee D 107.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nicholas D. Porter, Lizzie Porter and Edward H. Porter, as citizens
by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 10, 1900, Nicholas D. Porter appeared before the Commission at Sallisaw, Indian Territory, and made personal application for the enrollment of himself, his wife Lizzie Porter, and their minor son Edward H. Porter, as citizens by blood of the Cherokee Nation.

The evidence shows that Nicholas D. Porter was born in Fort Smith, Arkansas, and at the time of this application was 33 years of age. It is further shown that his mother was readmitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation in 1870; that neither she nor Nicholas D. Porter are identified on the Cherokee Authenticated Tribal Roll of 1880. It is also shown that at the time of the taking of said roll, he was in Fort Smith, Arkansas. He is, however, identified on the Cherokee Strip Payment Roll of 1894, as is also his wife Lizzie. The testimony further shows that on April 11, 1902, there was mailed to Nicholas D. Porter a registered letter, wherein he was requested to supply the Commission with the certificate of readmission of himself, a certificate of his marriage, and also an affidavit of birth of his son Edward H. To this communication he has remained silent.

It further appears that about the middle of the year 1894 he removed from the Indian Territory with his family, and had not returned prior to June 28, 1898. At the time of this application they were residents of Fort Smith, Arkansas.

Paragraph 9 of Section XI of the Act of Congress, approved June 28, 1898 (30 Stats. 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship;-----"

It is, therefore, the opinion of this Commission that the application for the enrollment of Nicholas D. Porter, Lizzie Porter and Edward H. Porter as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this DEC - 1 1902

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
FT. SMITH, ARK., FEBRUARY 14, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of NICHOLAS D. PORTER as a citizen by blood of the Cherokee Nation.

APPEARANCES:

For Applicant, No Appearance.

For Cherokee Nation, L. B. Bell on behalf of W. W. Hastings.

JAMES DeBAUN, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A James DeBaun.
- Q How old are you? A 33.
- Q What is your post office? A Fort Smith, Arkansas.
- Q You are a United States citizen? A Yes sir.
- Q Did you know Nicholas D. Porter, who is now dead? A Yes sir.
- Q Was he any relation of yours? A He was a full cousin.
- Q Was your mother and his mother sisters? A Yes sir, full sisters.
- Q He has been dead now over three years? A Yes sir, I think so.
- Q He claimed to be a Cherokee by blood did he? A Yes sir.
- Q Do you know about his residence from the time of his birth until the date of his death? A Part of the time he was here and part of the time in the Territory.
- Q Do you know where he was born? A Yes sir, he was born here at Fort Smith.
- Q Do you know when he moved to the Indian Territory the first time?
- A Well that was sometime before the payment, I think he went there in 1893 or '92, it was either one or two years previous to the payment.
- Q Do you know how long he continued to live there? A No sir, you see he was a newspaper man and a good deal of his time before he went to live there he was up there, he worked at different printing offices around through the Cherokee Nation, but the time he lived there I couldn't tell you, because the time he was there I was out of town, I went away and stayed away four years. We never made any attempt to take any part in any payment except the old settler payment. Mr. Wisdom was Indian Agent at that time and he knew my mother was a Cherokee and he put her on the roll and she drew old settler money. I never made any claim or anything but he had. Him and his mother both, I think, had taken some steps to establish their claim but we never did on our side of the family.
- Q Your mother never took any steps to establish her right to enrollment as a Cherokee citizen? A We had some papers at one time and the Dawes Commission, or some Commission, was at Fort Gibson and I took the papers up there and they didn't pay much attention to them and I didn't press them at all. That is the only interest we ever taken in it, but him and his mother both previous and after his marriage tried to establish their claim, and in fact both did draw money. They drew the strip money and also drew the old settler money, his mother did. I think they drew their Strip money at Webbers Falls.

- Q Did Nicholas D. Porter spend the most of his life in Fort Smith?
A You might say so.
- Q Did he vote here? A I think so.
- Q Did he exercise the right of suffrage the same as any other citizen? A Well now I will say that up until the time that he went to the Cherokee Nation in 1893 or '92, but then I think he taken up his residence in the Cherokee Nation, but whether he voted, I don't know, he came back after that, but whether he ever took up his rights after that, I don't know, or if he took up his rights in the Cherokee Nation I would not say, but he got his money in the Cherokee Nation. Whether he was a recognized citizen of the Cherokee Nation to get it, I don't know. At that time it was almost the same time that Mr. Wheeler up here at Gallisaw left. This Porter family left at about the same time, that is Nick did, but I don't think his mother when at that time but afterwards.
- Q Did he move from Fort Smith to the Cherokee Nation? A To the best of my knowledge he did, along about that time I was in and out for four years, I was hardly in Fort Smith at all.
- Q Do you know whether he took charge of any property over in the Cherokee Nation? A I understood he took charge of the printing office at Tahlequah.
- Q Do you know the name of the printing office? A No sir, I don't. I took such little interest in it myself that I never paid much attention to what he was doing.
- Q Do you know of your own personal knowledge whether he ever voted in the Cherokee Nation? A No sir, I don't.
- Q Do you know of your own knowledge whether he ever took up any claim on the public domain of the Cherokee Nation? A No sir, I don't, the only thing as I told you before in regard to him being in the country was him getting the strip money.
- Q Where did he live at the time of his death? A Here.
- Q He was a married man? A Yes sir.
- Q Were his children living at the present time? A He has one child.
- Q Do you know its name? A Edward.
- Q Is it living at the present time? A Well it was, I can say yes, I would have heard of its death if it died.
- Q Does the child live in Fort Smith? A No sir, the last time I heard of its mother she was in Kansas City.
- Q After the death of Nick Porter did his widow continue to live in Fort Smith? A No sir, she didn't stay a widow long, she married a man and I think she went to Memphis and from there back here, and then to Kansas City. I think he married in Tahlequah.
- Q Do you know whether his widow ever returned to the Cherokee Nation after his death? A No sir, I don't. As to what she done after his death I couldn't tell you a thing.
- ~~BOOKS RETURNED~~
- Q Is your mother named Mary Jane Porter? A No sir, my mother was named DeFaun.
- Q Is your mother a sister of Mary Jane Porter? A Yes sir.
- Q She is dead at this time? A Yes sir.
- Q Was Mary Jane Porter the mother of Nicholas D. Porter? A Yes sir.
- Q Did Nicholas D. Porter have any brothers and sisters? A He had one that died long ago, before I was born.
- Q He has none living at this time? A No sir, none at all.
- Q What did Nicholas D. Porter do while living in Fort Smith? A He was a printer, that was his trade, a newspaper man.
- Q Do you know where he ever worked besides at Tahlequah and Fort Smith? A Why he has undoubtedly worked at Webbers Falls and Fort Gibson, and several other place, he was all through the Territory. I am satisfied, while I couldn't say positively, he worked in 10 or 12 different towns in the Territory, until he got settled in Tahlequah I suppose he worked all over it.

- Q Do you know of any other towns he worked in outside of Fort Smith that was out of the nation? A I know he worked in Little Rock, and at Pallas and I think at Pine Bluff.
- Q Do you know how long he lived in Little Rock? A No sir, that was before he went to the Territory. I don't think after he came back here from the Territory he ever left.
- Q Do you know when he returned to Fort Smith from the Cherokee Nation? A It must have been in 1895 or '96, somewhere along about that time, it was after the payment.
- Q Then from the time he returned to Fort Smith did he live in Fort Smith continuously until his death? A Until his death.
- Q I believe you state he was a first cousin of yours? A Yes sir, a first cousin of mine.

BY MR. BELL:

- Q Did you ever know Jack McCoy? A Yes sir, I knew him well. When he was buried a walking stick I gave him was put in the coffin with him, he thought so much of it. My mother would have never got old settler money if it hadn't have been for Mr. Wisdom at that time, because I suppose he knew they undoubtedly had Cherokee blood.

ON BEHALF OF THE COMMISSIONER:

- Q Your mother drew old settler money? A My mother I think drew old settler money twice.
- Q Do you know whether the mother of Nicholas D. Porter drew old settler money? A Yes sir.
- Q Did she draw the same as your mother? A Yes sir, I think both of them drew twice.

BY MR. BELL:

- Q They drew in 1851 and here 5 or 6 years ago? A Yes sir, it was after the strip payment, \$150.00 some odd dollars if I am right.

ON BEHALF OF THE COMMISSIONER:

- Q Do you know whether Nicholas D. Porter, or his mother was ever admitted to citizenship by the Cherokee National Council or Commission on citizenship or by the Dawes Commission? A No sir, I don't.
- Q Do you know whether he ever took up any farm in the Cherokee nation on the public domain? A No sir, I don't.
- Q Do you know whether he ever purchased any place or exercised control of any place in the Cherokee nation? A No sir.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 16th day of February, 1906.

Notary Public.

FEB 16 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MARCH 29, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of NICHOLAS D. PORTER, ET AL., as citizens by blood of the Cherokee Nation.

APPEARANCES:

Applicant Lizzie Miller, formerly Lizzie Porter, present in person.
For Cherokee Nation, W. W. Hastings.

It appears from the records of this office that this case was set for hearing on March 8, 1906, and that on motion of the Commissioner the same was continued until March 29, 1906, at which time the following proceedings were had.

LIZZIE MILLER, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Lizzie Miller.
Q How old are you? A I will be 26 the 5th day of June.
Q What is your post office? A Parsons, Kansas.
Q What is the name of your father? A J. C. Kidd.
Q Is he dead? A Yes sir.
Q What is the name of your mother? A Elrilda Caudill.
Q Is she living? A Yes sir, she was about a month ago.
Q Have you a child? A Yes sir.
Q What is its name? A Edward H. Porter.
Q Is the child living? A Yes sir.
Q Were you formerly the wife of Nicholas D. Porter? A Yes sir.
Q He is dead? A Yes sir.
Q An affidavit has been filed showing his death on February 4, 1902, is that the correct date? A Yes sir, that is correct.
Q When were you and Mr. Miller married? A The 14th day of September. Three years ago the 14th day of last September.
Q What is your husband's full name? A Marrell Miller.
Q Is he a citizen of the Cherokee Nation? A No sir.
Q Where were you born? A In North Carolina.
Q When did you remove to the Cherokee Nation? A Well I will have to study it up. Mr. Porter and I were married the 22nd day of January, 1893, liking from January until April being a year when we left North Carolina.
Q Then you must have left North Carolina in 1892? A That is as well as I can place it.
Q Did you move from North Carolina to the Cherokee Nation? A Yes sir.
Q Did you come with your mother? A Yes sir.
Q She is an applicant for enrollment as a Cherokee citizen, is she?
A Yes sir.

- Q Now when you remove to the Cherokee Nation how long did you live in the nation after that? A I suppose I lived there about 10 or 11 months, then we were married and we lived there until the next August at Tahlequah. We married in January and left Tahlequah in August.
- Q Then where did you go? A Fort Smith, Arkansas.
- Q You went to Fort Smith in August, 1893? A Yes sir.
- Q How long did you live in Fort Smith? A I lived there I guess it was 7 years.
- Q That brought it up to 1900? A Yes sir.
- Q Then where did you go? A To Pryor Creek and from Pryor Creek to Chelsea.
- Q How long did you live at Pryor Creek? A Well at Pryor Creek and Chelsea all together nine months.
- Q Then where did you go? A Back to Fort Smith.
- Q How long did you live in Fort Smith after that? A A year.
- Q Then where did you go? A To Memphis, Tennessee.
- Q That was in 1901 you left Fort Smith and went to Memphis?
- BY MR. HASTINGS:
- Q Was it before or after Mr. Porter's death? A It was after his death.
- ON BEHALF OF THE COMMISSIONER:
- Q How soon after his death was it you went to Memphis? A It was in the same year he died.
- Q How long did you live in Memphis? A From October until December.
- Q Then where did you go? A Back to Fort Smith.
- Q How long did you live there that time? A Until February.
- Q February, 1903? A Yes sir.
- Q Then where did you go? A Back to Memphis, Tennessee.
- Q How long did you stay there that time? A Until the 20th of June.
- Q Where did you go then? A To Pryor Creek.
- Q How long did you live there? A I stayed there until November and went to Kansas City.
- Q How long did you live in Kansas City? A I went to Kansas City in November, then I went back to Fort Smith in May.
- Q That would be May of 1904? A Yes sir.
- Q How long did you stay in Fort Smith then? A I went back in May and I stayed until the 10th day of last June.
- Q That is 1905? A Yes sir.
- Q Then where did you go? A I went back to Kansas City and stayed until November and then I come to Parsons, Kansas.
- Q Have you been in Parsons since then? A Yes sir.
- Q Where were you living when you and Mr. Miller married? A In Fort Smith.
- Q Were you keeping house there? A No sir.
- Q Did you keep house in Memphis? A Yes sir.
- Q Did he work there? A Yes sir.
- Q Was that his home? A Yes sir, the time we were there.
- Q When you and your husband left Tahlequah in 1893 did you leave any improvements in the Cherokee Nation? A No sir.
- Q You had no property? A No sir.
- Q Since that time have you had any property in the Cherokee Nation? A No sir.
- Q Has Mr. Porter? A No sir.
- Q You have had no property in the Cherokee nation of any kind since then? A No sir.
- Q Are the times you have mentioned the only times you have visited the Cherokee Nation since you left? A No sir. I have been back and forth there a great many times, but of course all those times--
- Q You didn't speak of just visits? A No sir, not visits at all.

- Q Now how frequently have you visited the Cherokee Nation since you left in 1893 with your husband Porter? A Well quite frequently, but I just couldn't call the year or month I was there.
- Q Was your mother's family living in the Cherokee Nation? A Yes sir, I was visiting my mother six years ago. No it wasn't either, it is seven years ago at Grove, I stayed there several weeks.
- Q Where was Edward H. Porter born? A In Fort Smith.
- Q Has your child been with you all of the time during its life? A Yes sir.
- Q Did you and your husband Porter live together continuously from the time of your marriage until his death? A No sir, we were separated just a few months before he died.
- Q During your separation was his home in Fort Smith? A Yes sir.
- Q He stayed there? A Yes sir.
- Q Did he vote as a citizen of Fort Smith? A No sir, he never did vote there.

The applicant and the Attorney for the Cherokee Nation announce they have no further testimony to introduce, this case will be closed and a decision rendered on the evidence heretofore introduced.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 30th day of March, 1906.

B. P. Williams
Notary Public.

RECEIVED

FILED

MAR 30 1906

COMMISSIONER

OFFICE COMMISSION ON CITIZENSHIP,

Tahlequah, Ind. Ter., Oct. 4th, 1887.

| Docket No. | Names | Age | Sex | Post Office | Attorney. |
|------------|-------------|-----|--------|-------------------|-----------|
| 1 | Alrida Kidd | 40 | Female | Grape Creek, N.C. | |

C. H. Taylor

Applicant for
Cherokee Citizenship.

1847

Re-admitted Sept. 25th, 1889. Census Rolls

Ancestor.

VS.

Catharine McDonald

CHEROKEE NATION.

Office Commission on Citizenship

Cherokee Nation, Ind. Ter.

Tahlequah, Sept. 25th, 1889.

The evidence of John M. Taylor of Tahlequah in the above case proves that the applicant is the daughter of his sister Catharine, the name of whose first husband was Felix Panther and of her second husband was McDaniel and whose name are found on the census rolls of Cherokees by blood taken and made by the United States in the years 1851 and 1852. The Commission therefore decide that Alrida Kidd 40 years of age is entitled to re-admission to citizenship in the Cherokee Nation in accordance with the constitution and laws thereof. The names of children not given. P. O. Grape Creek, North Carolina.

Will P. Ross
Chairman.

J. E. Gunter, Com'.

Attest
D. S. Williams
Asst. Clk'. Com'.

This is to certify that the above and foregoing is a full, true and correct copy of the certificate of admission to citizenship in the Cherokee Nation of Alrida Kidd as the same appears of record on Docket D, page 333, of the records of the Cherokee Commission on Citizenship, which records are in the lawful custody of this office.

W. C. Beall

Acting Commissioner.

Muskogee, Indian Territory,

FEB 21 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nicholas D. Porter, et al., as citizens by blood of the Cherokee
Nation.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That, at Sallisaw, Indian Territory, on August 10, 1900, Nicholas D. Porter appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself, his wife, Lizzie Porter, and their minor child, Edward H. Porter, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, February 18, 1902. The record further shows that thereafter on December 1, 1902, the Commission to the Five Civilized Tribes rendered its decision therein denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, which decision was, on December 3, 1902, duly forwarded to the Department. Thereafter on March 27, 1903 (I.T.D. 2846-1903), the Department remanded said case for rehearing and readjudication, and that further proceedings in the matter of said application were had at Fort Smith, Arkansas, February 14, and at Muskogee, Indian Territory, March 29, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Nicholas D. Porter was born in Fort Smith, Arkansas, and at the time of this application was 33 years of age; that he is the son of one Mary Jane Porter, who was admitted to the rights and privileges of Cherokee citizenship under an Act of the Cherokee National Council December 16, 1870; that after said admission of his mother the said Nicholas D. Porter continued to reside in Fort Smith, Arkansas, until just before the Strip Payment of 1894, when he came to the Cherokee Nation; that shortly after said payment he left the Cherokee Nation and has since continuously made his home outside of the domain of the Five Civilized Tribes.

The evidence further shows that the applicant Lizzie Porter was admitted to citizenship in the Cherokee Nation by the properly constituted authorities of said nation on September 25, 1889, and removed to the Cherokee Nation with her husband, the said Nicholas D. Porter, in 1893, and that her residence since that time up to and including September 1, 1902, has been the

same as that of her said husband. The evidence fails to show that either of said applicants during their absence from the Cherokee Nation have owned or controlled any property therein. Neither can they, or either of them, be identified on the Cherokee authenticated tribal roll of 1880 or the Cherokee census roll of 1896.

Paragraph nine of section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship:"

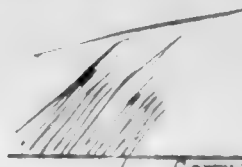
The evidence further shows that Edward H. Porter is the minor son of the applicants, Nicholas D. and Lizzie Porter, was born since June 28, 1898, and possesses no rights to enrollment not possessed by his said parents.

It is further shown that the said Nicholas D. Porter died prior to September 1, 1902 .

Section Twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living, and entitled to enrollment on that date, shall be placed on said roll by the Commission to the Five Civilized Tribes."

IT IS, TH REFORE, ORDERED AND ADJUDGED: That, under the provisions of Paragraph nine of Section Twenty-one of the Act of Congress first above noted, Lizzie Porter and Edward H. Porter are not entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly denied; and it is further ordered that, under the provisions of Section Twenty-five of the Act of Congress last above noted, the application for the enrollment of Nicholas D. Porter as a citizen by blood of the Cherokee Nation, he, and the same is, hereby dismissed.



Commissioner

Dated at Muskogee, Indian Territory,

this MAY 18 1906

original

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Baker

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Char. D 107.

IN RE

Application for Enrollment of

INFANT CHILD

Edward H. Porter

as a citizen of the

Cherokee

Nation.

JOR

Approved Apr 9, 1906. 190

Wm. O. Beall
Acting

Commissioner.

Application made Aug. 10, 1900. JOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

APR 9 1906

COMMISSIONER

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the **Cherokee** Nation,
 of **Edward H. Porter**, born on the **10** day of **Feb'y.** **1899**
(Give last name of child)
 Name of Father: **Nicholaa D. Porter**, a citizen of the **Cherokee** Nation.
 Name of Mother: **Lizzie Miller, formerly Porter**, a citizen of the **Cherokee** Nation.
 Post-Office: **Parsons, Kansas.**

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,)
~~Indian Territory~~)
 State of Arkansas)
 Sebastian Co.)

I, **Lizzie Miller, formerly Porter**, on oath state that I am **25**
 years of age and a citizen, by **blood**, of the **Cherokee** Nation;
 that I ~~am~~ ^{was} the lawful wife of **Nicholas D. Porter, deceased**, who is a citizen, by
blood, of the **Cherokee** Nation, that a **male** child was
(Male or female)
 born to me on the **10th** day of **February, 1899** ~~xxx~~; that said child has been
 named **Edward H. Porter**, and is now living.
Lizzie Miller.

WITNESSES TO MARK

Frank L. Lyman
 (Must be Two)
 Witnesses)
T I. Greenstreet
 (SEAL)

Subscribed and sworn to before me this **19th** day of **March** **1906**
 My Com Exp. Dec. 1, 1906. **Geo. F. Lyman**
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,)
 INDIAN TERRITORY,)
 Northern District)

I, **J. B. Ellis**, a **Physician**, on oath state that I
 attended on Mrs. **Lizzie Porter**, wife of **Nicholas D. Porter**,
 on the **10th** day of **February, 1899** ~~xxx~~; that there was born to her on said
 date a **male** child; that said child is now living and is said to have been
 named **Edward H. Porter**.

J. B. Ellis, M. D.

WITNESSES TO MARK

Mrs. Jennie Ellis
 (Must be Two)
 Witnesses)
Mrs. Myrtle Rhea.

Subscribed and sworn to before me this **20th** day of **March** **1906**

(SEAL)

W. A. Passmore.

Notary Public.

My Commission expires **May 17, 1906.**

Ind 138 D-107

IN RE

THE DEATH OF

Nicholas L. Parker

a citizen of the

Cherokee

Nation.

Approved

190

Commissioner.

K

C

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Nicholas D Porter
(Here insert name of deceased)
a citizen of the Cherokee Nation, who formerly resided at or near
Fort Smith Ark Ind. Ter., and died on the 4th
(Here insert name of postoffice.)
February 1902 ~~1901~~

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

DISTRICT:)

1. Jas D Baun, on oath state that I am 33 years of age and a citizen, by Fort Smith, of the Nation; that my postoffice address is (Here insert name of postoffice.) 2nd. Per.; that I am First cousin of Nicholas H Porter (State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased.) who was a citizen, by Smith, of the Cherokee Nation and that said Nicholas H Porter (Here insert name of deceased.) died on the 4 day of February 1902 ~~1904~~

WITNESSES TO MARRIAGE

(Must Be Two Witnesses) } Geo. V. H. [unclear]
C. P. Wier

Subscribed and sworn to before me this

22 day of February 1901



Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, James W. Bradley,
years of age, and a citizen by _____ of the _____
that my postoffice address is T. V. Smith Ark.
(Here insert name of postoffice.)
that I was personally acquainted with Nicholas D. Parker
(Here insert name of deceased.)
who was a citizen, by Birth of the Cherokee
and that said Nicholas D. Parker
(Here insert name of deceased.) died on the 4th
February 1902 ~~1901~~ day of _____

WITNESSES TO MARK²



Subscribed and sworn to before me this _____

22 day of

February 1906

Blaine E. Davis
Notary Public.

(C O P Y)

Fort Smith, Ark. April 4, 1906

Mr. Wm. O. Bean,

It was a mistake in figures. I intended it for 1902 and I wrote 1904--I return the affidavit with the 1904 rubbed out and the right year stated. I hope this will be satisfactory.

Respt.

Jas. De Baun.

Ind 138 D-107

IN RE
THE DEATH OF

Nicholas L Parker

a citizen of the

Cherokee

Nation.

Approved

190

Commissioner.

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
W. K. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4th

1902

Nicholas D. Porter,

Fort Smith, Arkansas,

Sir:-

You are hereby notified that the application of..... **yourself, your wife and minor son**

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

18th day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with a certificate of admission for Lizzie. Affidavit of the birth of Edward H. is required.

Yours truly,

Cherokee D- 107

Register.

Acting Chairman.



RECEIVED
FEB 11 1902
CHEROKEE NATION
REGISTER

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED
FEB 11 1902
CHEROKEE NATION
REGISTER

Muskogee, Indian Territory, April 11, 1902.

Nicholas D. Porter,
Fort Smith, Arkansas.

Sir:

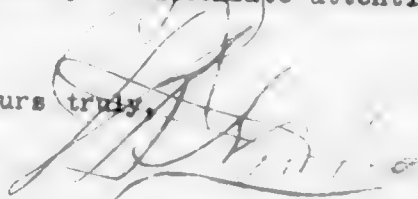
Upon examination had in the matter of the application of yourself, your wife and your child as citizens of the Cherokee Nation, it is found that you have failed to supply the Commission with the certificate of re-admission of yourself. Neither have you supplied the Commission with a certificate of your marriage, or an affidavit of the birth of your son.

Enclosed please find a blank form of "Affidavit of Birth" which you are required to properly fill out and mail to this Commission.

You are also required to furnish the Commission with the certificate of your re-admission, or in the absence of the original a certified copy thereof. You are also required to furnish the Commission with the certificate of marriage to your wife.

You are reminded that the proof required is very essential in the disposition of your case, and your immediate attention to it is requested and urged.

Yours truly,



Commissioner in Charge.

In answering refer to
Cherokee D. 107.
1 Enc. Register.
Y. J. S. 40

Cherokee D-107.

Nicholas D. Porter,
#415 South Sixteenth Street,
Port Smith, Arkansas.

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself, your wife Lizzie, and minor child Edward H. Porter, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated December 1, 1902, rejecting said application.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Acting Chairman.

Enc. H-43.
Register.

COPY.

Cherokee D-107.

Muskogee, Indian Territory, December 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Nicholas D. Porter for the enrollment of himself, his wife Lizzie and his minor child Edward H. Porter, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated December 1, 1902, rejecting said application.

Respectfully,

Through the Commissioner
of Indian Affairs.

Acting Chairman.

Enc. H-45.

Cherokee: D-107.

Muskogee, Indian Territory, December 3, 1902.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 1, 1902, rejecting the application of Nicholas E. Porter for the enrollment of himself, his wife Lizzie, and his minor child Edward H. Porter, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. H-44.

D.C. 9138-1903

(C O P Y)

Y.P.
FHE

DEPARTMENT OF THE INTERIOR

I.T.D. 2846-1903

WASHINGTON.

LRS

March 27, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Nicholas D. Porter, for the enrollment of himself, his wife, Lizzie Porter, and his minor child, Edward H. Porter, as citizens of the Cherokee Nation by blood, received with your letter of December 3, 1902, and the Acting Commissioner of Indian Affairs' letter of March 14, 1903.

December 1, 1902, you rejected the application, referring to paragraph 9 of section 21 of the act of June 28, 1898 (30 Stat., 495).

It appears that Porter was born about 1867 at Fort Smith, Arkansas; that his mother was readmitted to citizenship in the Cherokee Nation in 1870; that neither she nor Porter are identified on the 1880 roll. He is identified on the strip payment roll of 1894, as also was his wife.

It also appears that about the middle of the year 1890 he removed from the Indian Territory with his family, and had not, prior to June 28, 1898, returned to the Territory; that from the time of his birth to the time the testimony was taken in this case August 10, 1902, he had been working in the Territory "off and on"; his actual residence, however, was in Fort Smith, Arkansas. He

claims to have been in the Territory about 4 1/2 years from 1890.

The Acting Commissioner, referring to the decision of the Department of January 24, 1903, in the case of Milan C. Smith, and February 6, 1903, in the case of Robert L. Couch, recommends that your decision be not concurred in, and that you be directed to enroll the applicants.

In view of the decision of the Department of March 17, 1903, in the case of Clement G. Clarke, and of the decision in the case of Elizabeth C. Payne of the same date, and of the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case, it is considered advisable to remand the case for a rehearing and readjudication, as the Department does not consider the testimony sufficient to warrant the enrollment of the applicants. It is not convinced that Porter, is he ever acquired citizenship, has not forfeited such right, or that his wife and child have not also done so.

The record in the case and a copy of the Acting Commissioner's letters are inclosed.

Respectfully,

(signed)

Thos. Ryan
Acting Secretary

2 inclosures.

(C O P Y)

Refer in reply
to the following
Land
72595-1903

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, March 14, 1903

The Honorable,

The Secretary of the Interior .

Sir:

There is enclosed herewith report from the present Chairman of the Commission to the Five Civilized Tribes, dated December 3, 1902, forwarding, for the Department's consideration, the record relative to the application of Nicholas D. Porter, for the enrollment of himself, his wife, Lizzie Porter, and his minor child, Edward H. Porter, as citizens by blood of the Cherokee Nation.

December 1, 1902, the Commission held that the applicants were not entitled to enrollment.

The record in this case shows that Nicholas D. Porter was born at Fort Smith, Arkansas; that he was 33 years of age at the time of his application; that his mother was readmitted to citizenship in the Cherokee Nation by the duly constituted authorities in 1870, and that neither her name nor the name of Nicholas D. Porter appears on the 1880 roll. They were living in Fort Smith, Arkansas, at the time that roll was made. The name Nicholas D. Porter and his wife's name appear on the 1894 strip payment roll.

The record further shows that Nicholas D. Porter resided in the Cherokee Nation about four years prior to 1894, when he removed therefrom; that in 1898 he was in Little Rock, Ark., and that his wife was at Pryor Creek, or Grove, Indian Territory, living with her mother. The applicant was not living in the Cherokee Nation on June 28, 1898. The evidence shows that the applicant removed to, and was recognized as a citizen of, the Cherokee Nation prior to the passage of the act of December 4, 1894; that he resided in the Nation about four years; that during such time he was enrolled as a citizen of the Cherokee Nation, and recognized as a citizen thereof. The record does not show that he has since expatriated his citizenship, by becoming a citizen of any other jurisdiction.

In connection herewith, the attention of the Department is respectfully invited to Department letter of January 24, 1903, (ITD 8032), in the Milan C. Smith case, and to that of February 6, 1903 (ITD 792), in the Robert L. Couch case.

Considering that the name of the principal applicant in this case, and the name of his wife appear on the 1894 strip payment roll, and that the record does not show that ~~they~~ or either of them have expatriated their citizenship, the office is of the opinion that, under the department's holdings in the cases above cited, the applicants hereto are entitled to enrollment as citizens of the Cherokee Nation. It is therefore respectfully recommended that the decision of the Commission be not approved, and that the commission be directed to enroll them as citizens by blood of the Cherokee Nation.

Respectfully,

GAW-O

CherokeeD107

Muskogee, Indian Territory, April 13, 1903.

Lizzie Porter,

#1415 South Sixteenth Street,

Port Smith, Arkansas.

Dear Sir:

You are hereby notified that on March 27, the Secretary of the Interior, remanded, for the taking of further testimony by this Commission, the application of Nicholas D. Porter for the enrollment of himself, his wife, Lizzie Porter, and his minor child, as citizens of the Cherokee Nation.

Further testimony is required as to the residence of the said Nicholas D. Porter in the Cherokee Nation. This testimony can be presented before the Cherokee Land Office of this Commission on or before May 5, 1903.

The Commission is informed that since the date of his application for enrollment, your husband has died. There is enclosed you herewith a blank form of death affidavit, and if this information is correct, you are requested to have same properly executed, and forward to the Commission at the earliest possible day, in order that his death may be shown upon the Commission's records. The evidence referred to above will, however, be required in connection with your own enrollment, and with the enrollment of your child.

L P (2)

When you appear, please present this letter.

Respectfully,

Chairman.

Encl-1-DC

GRS

Cherokee D-107.

Tahlequah, Indian Territory, January 23, 1904.

Elrilda Caudill,

Grove, Indian Territory.

Dear Madam:

The Commission desires to know the present postoffice address of Lizzie Porter, your daughter. At the time of her husband's application for the enrollment of himself and family as citizens of the Cherokee Nation they were living in Fort Smith, Arkansas. It appears that her husband has since died, as letters addressed to him at Fort Smith have been returned marked "dead".

The Commission desires to communicate with Lizzie Porter relative to her citizenship in the Cherokee Nation. If you can give us information relative to her present place of residence, you are requested to do so at once as the matter is important.

Respectfully,

6WI

Cherokee D-107

Muskogee, Indian Territory, April 13, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on March 27, the Secretary of the Interior remanded, for the taking of further testimony by this Commission, the application of Nicholas D. Porter for the enrollment of himself and family as citizens of the Cherokee Nation.

Further evidence is particularly required as to the residence of the said Nicholas D. Porter and his family in the Cherokee Nation. It appears that Nicholas D. Porter is now deceased, but his wife has, this day, been notified that she can appear before the Cherokee Land Office of this Commission on or before May 5, 1903, and introduce further evidence tending to prove her right to enrollment.

Respectfully,

Chairman.

GRS

COPY.

Cherokee D-107.

Muskogee, Indian Territory, January 13, 1905.

Mary Jane Porter,
Fort Smith, Arkansas.

Dear Madam:

In the matter of the application for the enrollment of your son, Nicholas D. Porter, now deceased, his wife, Lizzie, and his minor child, Edward H. Porter, you are advised that the Commission desires further testimony showing what property the said Nicholas D. Porter owned in the Cherokee Nation during his residence therein, and during the time that he was a resident of Fort Smith, Arkansas. It is essential to a disposition of this case that this testimony be furnished.

This case has been set down for final hearing before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, February 1, 1905, at which time the above testimony can be introduced.

Respectfully,

Register.

Tamm C. C. C.
Chairman.

Parsons, Kansas

Feb. 7/06.

Sec. of Interior,

Washington, D. C.

Dear Sir:

I am going to state my case to you in regard to my rite in the Cherokee nation trusting you can do something for me my maiden name was Lizzie Kidd, I am the daughter of Alrilda Kidd I first married a man by the name of Nick Porter he was a Cherokee our names appear on the Pay role by him I had our child his name is Edward Porter to years ago I married a man by the name of Miller who is a white man since then my child and self has not made our home in the nation. I want to know why I have not got the just rite to our home stead in the nation and how I can bee kept off.

I write you hoping and trusting you can help me to get my home thaire.

Now pleas help me if in your powyer to do so trusting you can do something for me I will close. 2210 Main St. Parsons, Kansas. Lizzie Miller.

Cherokee
D 107

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 8, 1906.

Mary Jane Porter,
Fort Smith, Arkansas.

Dear Madam:

In connection with the application of your son, Nicholas D. Porter, for the enrollment of himself, his wife, Lizzie Porter, and child, Edward H. Porter, as citizens by blood of the Cherokee Nation, you are advised that before their right to enrollment can be properly determined it will be necessary that further testimony be introduced as to the residence and property interests in the Cherokee Nation of your said son, and also that an affidavit showing the date of his death, be supplied.

You are therefore hereby notified that on Wednesday, February 14, 1906, at nine o'clock A. M., at Fort Smith, Arkansas, an opportunity will be given for the introduction of said evidence, at which time you are directed to appear before a Field Party of this office in order that your testimony may be taken in connection with this case.

You will be advised of the place of hearing upon inquiry of the postmaster at Fort Smith on the above date.

Respectfully,

LS
REGISTER.

Acting Commissioner.

Cherokee D-107.

Muskogee, Indian Territory, February 7, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that Mary Jane Porter of Fort Smith, Arkansas, has this day been notified that she will be permitted to appear before a field party of this office at Fort Smith, on Wednesday, February 14, 1906, at nine o'clock A. M., for the purpose of introducing further testimony in the matter of the application of her deceased son, Nicholas D. Porter, for the enrollment of himself, wife and child as citizens by blood of the Cherokee Nation.

Respectfully,

LS

Acting Commissioner.

Cherokee D-107.

Muskogee, Indian Territory, February 17, 1906.

James DeBaun,

Fort Smith, Arkansas.

Dear Sir:

In order to complete the record in the matter of the application of Nicholas D. Porter for the enrollment of himself and family as citizens of the Cherokee Nation, it will be necessary that an affidavit be filed showing the death of said Nicholas D. Porter.

There is inclosed herewith a blank form of death affidavit which you are requested to have properly executed showing the date of his death, and return the same to this office. There is inclosed, for your reply, a return penalty envelope which requires no postage.

Respectfully,

Incl. S-28
Register

Acting Commissioner.

Cherokee
D 107

Muskogee, Indian Territory, February 17, 1906.

W. W. Hastings,

Attorney for the Cherokee nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Fort Smith, Arkansas, on February 14, 1906, in the matter of the application for the enrollment of Nicholas D. Porter as a citizen by blood of the Cherokee nation.

Respectfully,

Incl. 97-58.
GHE

Acting Commissioner.

Cherokee D-107.

Muskogee, Indian Territory, February 21, 1906.

Lizzie Miller,
2210 Main Street,
Parsons, Kansas.

Dear Madam:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of February 7, asking to be advised as to the citizenship status in the Cherokee Nation of yourself and child, Edward Porter. You state that your maiden name was Lizzie Kidd, and that you were first married to Nick Porter, now deceased, and that you have since married a white man by the name of Miller.

In reply you are advised the records of this office show that on August 10, 1900, your former husband, Nicholas D. Porter, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself, his wife, Lizzie Porter, and child, Edward H. Porter, as citizens by blood of the Cherokee Nation; that on December 1, 1902, the Commission rendered its decision rejecting said application, and that on March 27, 1903, the case was remanded by the Secretary of the Interior for further hearing and readjudication. There

has been no subsequent decision rendered in said case.

Further testimony is desired as to your residence in the Cherokee Nation, and also evidence of the death of your former husband, Nicholas D. Porter, and as to the birth of your child, Edward H. Porter.

You are directed to appear before the offices of the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory, on Thursday, March 8, 1906, at nine o'clock A. M., in order that your testimony may be taken in connection with your case. You will also be permitted to introduce the testimony of such other witnesses as you desire in support of your application. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in this case.

There is inclosed herewith a blank form of death affidavit which you are directed to have properly executed, showing the date of the death of your former husband, and to return to this office in order that the same may be shown upon its records.

There is also inclosed a blank form of birth affidavit which you are directed to have properly executed showing the date of the birth of your child, Edward H., and to return to this office for consideration and appropriate action.

You are also directed to forward to this office either the original or a certified copy of your marriage license and certificate, in order that your change in name may be shown upon

-3-

the records of this office.

Respectfully,

Incl. S-37
Register

Acting Commissioner.

Cherokee
D 107

Muskogee, Indian Territory, February 27, 1906.

Lizzie Miller,
2210 Main Street,
Parsons, Kansas.

Dear Madam:

You are hereby advised that on motion of the Commissioner the hearing in the Cherokee enrollment case of Nicholas D. Porter, et al., has been continued from March 8, 1906, to March 29, 1906, at nine o'clock A. M.

Respectfully,

GHL

Acting Commissioner.

Cherokee
D 107

Muskogee, Indian Territory, February 27, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on motion of the Commissioner the hearing in the Cherokee enrollment case of Nicholas D. Porter, et al., has been continued from March 8, 1906, to March 29, 1906, at nine o'clock A. M.

Respectfully,

Acting Commissioner.

GHL

Cherokee D-104.

Muskogee, Indian Territory, March 23, 1906.

James DeBaun,

Fort Smith, Arkansas.

Dear Sir:

There is returned herewith affidavit executed by you on February 22, 1906, as to the death, on February 4, 1904, of your cousin, Nicholas D. Porter. Lizzie Miller, formerly Lizzie Porter, wife of said Nicholas D. Porter, has this day appeared before this office and stated that you made a mistake as to the year in which Nicholas D. Porter died, and she presented an affidavit signed by you on March 19, 1906, showing that he died on February 4, 1902.

Respectfully,

Incl. S-28

Acting Commissioner.

COPY.

Muskogee, Indian Territory, May 18, 1906.

Lizzie Miller,
2210 Main Street,
Parsons, Kansas.

Dear Madam:

There is inclosed herewith a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as citizens by blood of the Cherokee Nation, including a copy of the decision of the Commissioner to the Five Civilized Tribes, dated May 18, 1906, dismissing the application for the enrollment of your former husband, Nicholas D. Porter, and rejecting the application for the enrollment of yourself and minor child, Edward H. Porter, as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in your case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

The information herein contained replies to your letter of May 4, addressed to the Secretary of the Interior.

Respectfully, WICK

Incl. S-34
Register

Wm. B. Hall
Acting Commissioner.

Cherokee D-107.

COPY.

Muskogee, Indian Territory, May 18, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated May 18, 1906, dismissing the application for the enrollment of Nicholas D. Porter, and rejecting the application for the enrollment of Lizzie and Edward H. Porter, as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED.

Wm. C. Sullivan
Acting Commissioner.

LS
Incl. S-35

COPY.

Muskogee, Indian Territory, May 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of Nicholas D. Porter, et al., as citizens by blood of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated May 18, 1906, dismissing the application for the enrollment of Nicholas D. Porter, and denying the application for the enrollment of Lizzie and Edward W. Porter, as citizens by blood of the Cherokee Nation.

On March 27, 1903 (I.T.D. 2846-1903), the Department remanded this case to the Commission to the Five Civilized Tribes for further hearing and readjudication.

Respectfully,

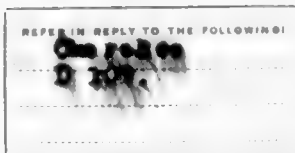
SIGNED,

Incl. S-36
LS

H. M. [Signature]
Acting Commissioner.

Through the

Commissioner of Indian Affairs.



DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Maskogee, Indian Territory, January 30, 1907.

Lizzie Miller,
2210 Main Street,
Parsons, Kansas.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated May 18, 1906, dismissing the application for the enrollment of Nicholas D. Porter, and rejecting the applications for the enrollment of yourself and Edward H. Porter, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 19, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-13
JMH

Commissioner.

Cherokee D-107

Muskogee, Indian Territory, January 30, 1907.

James DeBaun,

Port Smith, Arkansas.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated May 18, 1906, dismissing the application for the enrollment of Nicholas D. Porter and rejecting the applications for the enrollment of Lissie and Edward H. Porter, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 19, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-25
JMH

Commissioner.

Cherokee
D 107.

Muskogee, Indian Territory, January 30, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated May 18, 1906, dismissing the application for the enrollment of Nicholas D. Porter and rejecting the applications for the enrollment of Lissie Porter and Edward H. Porter, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, January 19, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-14
JMH

Commissioner.

I.T.D.784-1907. C O P Y .

K.L.M.

L.R.S.

DEPARTMENT OF THE INTERIOR,

Washington, January 19, 1907. LLB.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 18, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Nicholas D. Porter, Lizzie Porter and Edward^H Porter as citizens by blood of the Cherokee Nation, including your decision of the same date, adverse to the applicants.

Reporting January 11, 1907 (Land 44109-1906), the Indian Office recommended that your decision be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind.Of.

C O P Y .

Refer in reply
to the following
Land 44109-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, January 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report of Commissioner Bixby, dated May 18, 1906, relative to the application of Nicholas D. Porter et al., for enrollment as citizens by blood of the Cherokee Nation, including the decision of the Commissioner, of the same date, dismissing the application of Nicholas D. Porter and denying the applications of Lizzie and Edward H. Porter, as citizens by blood of the Cherokee Nation.

On March 27, 1903 (I.T.D.2846-1903) the Department remanded this case to the Commission to the Five Civilized Tribes for further hearing and readjudication.

It appears from the record that on August 10, 1900, Nicholas D. Porter appeared before the Commission to the Five Civilized Tribes, at Sallisaw, Indian Territory, and made application for the enrollment of himself, his wife, Lizzie Porter, and their minor child, Edward H. Porter, as citizens by blood of the Cherokee Nation.

The evidence in this case shows that the applicant,

the applicant, Nicholas D. Porter, was born in Fort Smith, Arkansas, and at the time of his application was 33 years old; that is the son of Mary Jane Porter, who was admitted to the rights and privileges of Cherokee citizenship under an act of the Cherokee National Council of December 16, 1870; that after the admission of his mother, the applicant continued to reside in Fort Smith until a short time prior to the Strip Payment of 1894, when he came to the Cherokee Nation; that shortly after this payment he left the Nation and has since continuously resided outside of the domain of the Five Civilized Tribes.

It is further shown that the applicant, Lizzie Porter, was admitted to citizenship in the Cherokee Nation by the properly constituted authorities thereof on September 25, 1889, and removed to the Nation with her husband, Nicholas D. Porter, in 1893, and that her residence since that time, up to and including September 1, 1902, has been the same as that of her husband. There is no evidence to show that either of the applicants during their absence from the nation have owned or controlled any property therein, nor are they identified on the Cherokee authenticated tribal roll of 1880, or the census roll of 1896.

Edward H. Porter is a minor son of the applicants, Nicholas D. and Lizzie Porter, was born since June 28, 1898, and possesses no rights to enrollment not possessed by his parents.

It appears that the applicant, Nicholas D. Porter, died prior to September 1, 1902.

Under the provisions of Section 25 of the Act of July 1, 1902 (32 Stat.L., 716), providing that the rolls of citizens of the Cherokee nation shall be made as of September 1, 1902, there is no authority in law for his enrollment.

It being shown that the applicants did not prior to June 28, 1898, remove to, and in good faith establish their residence in the Cherokee Nation, it is the opinion of the Office that they are not entitled to enrollment as citizens thereof. It is therefore recommended that the application for the enrollment of Lizzie Porter, Edward H. Porter, and Nicholas D. Porter, be denied, in accordance with Commissioner Bixby's decision.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH.

Endorsed:

Department of the Interior

Received Jan. 12, 1907.

Enc. No. 1, of No. 784.

Indian Territory Division.

Cher R 1034

Trans From Cher D 108

Cher R 1034

Department of the Interior,
-Commission to the Five Civilized Tribes,
Sallisaw, I. T., August 10, 1900.

In the matter of the application of George T. Kiddy for the enrollment of himself and wife as Cherokee citizens; being sworn and examined by Commissioner Needles he testifies as follows:

- Q What is your name? A George T. Kiddy.
Q What is your age? A Forty-five.
Q What is your post office address? A Vian.
Q Are you a Cherokee citizen by blood? A No sir.
Q For whom do you apply for enrollment here? A Myself and wife.
Q What district do you live in? A Illinois.
Q How long have you lived there? A I have lived there since 1888.
Q Lived there continuously since 1888? A Yes sir.
Q Are your father and mother non-citizens? A Yes sir.
Q Are they living? A Father is living.
Q What is his name? A Frank Kiddy.
Q Are you married? A Yes sir.
Q What is your wife's name? A Fannie Kiddy.
Q When were you married? A March 5th 1889 I believe it is.
Q What was her name before you married her? A Fannie Campbell.
Q What was her father's name? A Jack Campbell.
Q Was he a Cherokee citizen by blood? A I don't think he was.
Q What was her mother's name? A Eliza.
Q Was she a Cherokee by blood, A Yes sir.
Q Are her father and mother living? A No sir.

Fannie Kiddy, applicant's wife, being sworn and examined, testifies as follows:

- Q Your mother was a Cherokee by blood. A Yes sir.
Q When did she die? A In 1870.

Applicant, George T. Kiddy, re-called, and examined.

- Q Have you any children under twenty-one years of age? A No sir, none at all.
Q Have you a certificate of marriage? A Yes sir. (Produces paper).
Q How old is your wife? A Forty-eight.

Examination by Cherokee Representative Hastings: Wife recalled:

- Q Where were you in 1880? A I was in the Octaw Nation.
My brother was to have my name put down, and he wrote to me he couldn't have my name put down.
Q How long were you out of the Cherokee Nation? A I never was out for long at a time; I never moved out of it at all.
Q When did you go out on a visit? A I went out at various times.
1896 roll, page 273, #1023 Fannie Kiddy, Illinois District.
1894 roll, page 791 #974, Fannie Kiddy Illinois District.

Examination by Commissioner Needles:

- Q You say your name is not on the roll of 1880? A No sir, because I wrote to Dr. Campbell to have my name put on, because I was in employment and couldn't come, and he wrote me that he could not have it done.
Q Where were you living at that time? A I was living at McAlester
Q About how much Cherokee blood do you claim? A About one eighth or one-sixteenth.
Q Was your mother's name on the authenticated roll of 1880?
A No sir, my mother was dead.
Q Was your father on the authenticated roll of 1880? A No sir, my father died about the close of the War.
Q Did you ever apply to the Dawes Commission in 1896 for citizenship?
A No sir.

George T. Widdy and wife #2.

Examination by Cherokee Representative Hastings:

- Q Where did your father die? A He died in Sequoyah District just across from Fort Smith.
- Q Were you living there at the time of his death? A Yes sir.
- Q How old are you now? A I was born in '51.
- Q He died directly before the War? A Yes sir.
- Q When did your mother die? A In 1872 or 3.
- Q Where did she die? A In Illinois District.
- Q Where were you at that time? A I was right at home with her.
- Q When did you go to South McAlester? A I don't remember just the year when I went there.
- Q How long after your father's death? A Oh, my goodness alive, it was years and years after my father's death; I lived at home with my mother a great while after my father died.
- Q Well, how long after your mother's death? A Maybe five years after my mother's death; I don't know exactly how long it was.
- Q Your mother died when? A She died in seventy sometime.
- Q You went back in about '75, when did you come back here? A I come back in 1888, but I was back various times.
- Q Where did you reside in this fifteen years? A I was traveling, sometimes in Missouri, sometimes in Kansas and sometimes in the Choctaw Nation; here and there, wherever I felt like going.
- Q What was you traveling for? A For my own pleasure and benefit.
- Q Were you ever married before? A Yes sir.
- Q Who to? A A young gentleman by the name of Storfield.
- Q Where you married? A I was married in Sequoyah District.
- Q In what year? A I believe it was in 1869 as well as I can remember. I was quite a small young girl.
- Q Did you live with him in the Cherokee Nation after you were married? A Yes sir.
- Q Did you go out of the Cherokee Nation with him? A Yes sir, I went as far as Fort Scott once, and we come back.
- Q What became of Storfield? A I think he died in Texas.
- Q Don't you know? A No sir.
- Q Were you separated from him at the time of his death? A Yes sir.
- Q Do you know about the date of his death? A No sir, I know one of the old stage drivers told me Mr. Storfield was dead.
- Q Were you ever married any more, except to this man, your present husband? A No sir.
- Q You were just traveling around over the various States for pleasure? A Yes sir.
- Q You had no business occupation? A No sir.
- Q Anyone traveling with you? A No sir.
- Q And you returned to the Cherokee Nation in 1888? A Yes sir.
- Q You never applied either to the Cherokee Nation nor the Dawes Commission for re-admission? A No sir, I never did. My cousin, J. T. Adair, wrote and told me it wasn't necessary. I wrote to him and he wrote and told me that were a young woman was traveling for pleasure or her health it wasn't necessary that she apply for citizenship.
- Q In what parts of Texas did you reside? A I never lived a year there; I stopped for a few months in northern Texas and a month or two in western Texas.
- Q What other states were you ever in? A Well, I don't know that that concerns you at all.
- Q It may concern you before you get through with this case.
- Q Well, that's all right, let it concern me. I have been in Kansas, I have been in Missouri and I have been in Arkansas.
- Q Where did you live in Kansas? A I didn't live in Kansas at all.
- Q Where did you stop in Kansas? A I stopped over several nights at first one little town and then another, passing through.
- Q Just on a pleasure trip? A Yes sir.

Q You mean to tell the Commission now, under oath, that you were travelling alone just for pleasure? A Yes sir, just for pleasure, nothing else; my own pleasure.

Q How long did you ever stay in the state of Missouri? A My husband and I staid in the state of Missouri at Joplin Missouri about two months.

Q Which husband do you refer to now? A I refer to George Stofield

Q I have forgotten when you said he died? A I don't know when he died.

Q When did you separate from him? A We was married in 1868, I believe I separated from him about seventy; not long before my mother's death.

Q Where did you stay in Arkansas? A I never staid in Arkansas. We lived right on the line and I go to Fort Smith very often.

Q You never travelled around over that state? A No sir, I never travelled around through that state.

Q Then you were travelling around at these various points up until 1888, when you went-- where do you and your husband ~~live~~ now?live?

Q About two miles from Vian.

Q How long have you been living there? A Ever since 1889.

Q Have you been living there now continuously for eleven years?

A Yes sir, for twelve years.

Q You haven't travelled around through the states during these past twelve years? A No sir, been living right there.

Q Give me the names of two or three of your acquaintances at South McAlester who knew of your residence there? A I don't suppose I can give you one.

1890 roll, page 931, #106 George Kiddy, Illinois District.

Com'r. Needles: The name of George T. Kiddy appears upon the census roll of 1896; he applies for enrollment of himself and his wife, Fannie Kiddy; he presents marriage license issued by Walter A. Frye, Clerk of Sequoyah District, under the seal on the 5th day of March, 1889, and a certificate signed by Walter A. Frye, certifying that he married the said George T. Kiddy to Miss Fannie Campbell on the 5th day of March, 1889; and makes oral proof as to his residence. His wife, Fannie Kiddy, appears and testifies in her own behalf; her name is not found upon the authenticated roll of 1880, but is found upon the census roll of 1896 and the pay roll of 1894 as Fannie Kiddy and Fannie Kidney; her name not appearing upon the authenticated roll of 1880, the Commission finds no conclusive proof as to her being a recognized Cherokee citizen by blood as she claims as a final judgment as to the enrollment of herself as a Cherokee citizen by blood and the enrollment of her husband George T. Kiddy as an Indian married Cherokee will be suspended, and their names will be placed upon a doubtful card for the consideration of the Commission. When decision of the Commission is announced, said George T. Kiddy will be informed of same by mail, and the testimony herein taken will be forwarded to the Secretary of the Interior with the final rolls of the Cherokee Nation are forwarded by the Commission for his consideration.

M.D. Green, being first duly sworn, states that he acted as interpreter to the Commission to the Five Civilized Tribes as reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes in said case.

M. D. Green,

Subscribed and sworn to before me this 18th day of August, 1900.

C. R. Preckinridge,
Commissioner.

9-
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 10 1900



ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date

AUG 10 1900

1900.

1 Name

George H. Kiddy

Neau S. Y.

District

Illinois

Year

1890

Page

931

No.

106

Citizen by blood

Mother's citizenship

Intermarried citizen

Parents { Frank Kiddy

Married under what law

Date of marriage

License

(18)

Certificate

2 Wife's name

E. M. Kiddy

nee Campbell

District

Illinois

Year

1896

Page

875

No.

103

Citizen by blood

Mother's citizenship

Intermarried citizen

Parents { Frank Kiddy

Married under what law

Date of marriage

License

Certificate

Names of Children:

| | | | | |
|-------|------|------|-----|-----|
| Dist. | Year | Page | No. | Age |
| Dist. | Year | Page | No. | Age |
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1001 1890 1896 as George Kiddy

13-
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 10 1900



ACTING CHAIRMAN

DISTRICT,

1. *W. J. L. M. D. G.*
 hereby certify that on the *24th* of *February* 188*1*
 I found in Marriages, Mr. *R. H. H.* a citizen
 of the United States, and *M. C. H.* a citizen
 of the Cherokee Nation, agreeable to the authority given in the within

manners and the customs and laws of the Cherokee Nation.

[Illegible handwritten notes]

11.11.1

10000

14113. *Asplenium* *Asplenium* *Asplenium*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 10 1900

ACTING, CHAIRMAN

CHEROKEE NATION, I. T.)

DISTRICT A

I, *Charles W. Dyer* a *white*
son of *James Dyer* a citizen
of the United States and *Mary Dyer* a citizen
of the Cherokee Nation, agreeable to the authorities given in the within
License and the customs and laws of the Cherokee Nation.

Given under my hand this the *1st* day of *April*
A. D. 1887 *Charles W. Dyer*
County Clerk

DEPARTMENT OF THE INTERIOR
 COMMISSION TO THE FIVE CIVILIZED TRIBES
 FILED
 AUG 10 1900

Marriage License.

CHEROKEE NATION, I. T.)

Wagoner DISTRICT)

To Any Person Legally Authorized to Solemnize Marriage—Greeting :

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. *Geo. K. Kelly*, a citizen of the United States and *Mr. Henry Campbell*, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office

this the *5* day of *March*

A. D. 188*9*

Clerk

Wagoner District.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25th, 1901.

S U P P L E M E N T A L T E S T I M O N Y .

D. #108.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
George T. Kiddy as a citizen of the Cherokee Nation:

W. W. CAMPBELL being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A W. W. Campbell.
Q How old are you? A 65.
Q What is your post office address? A Campbell.

Examination continued by W. W. Hastings, Cherokee Representative:

- Q Dr., do you know George T. Kiddy? A Yes, sir.
Q Do you know his wife, Fanny? A Yes, sir.
Q Where was Fanny born? A In the Cherokee Nation.
Q Yes, but whereabouts in the Cherokee Nation? A Born in Flint district.
Q What was her father's name? A John Campbell.
Q What was her mother's name? A Eliza.
Q Was her father a Cherokee by blood? A No, sir.
Q Was her mother a Cherokee by blood? A Yes, sir.
Q What was her mother's maiden name? A Eliza Holt.
Q Was relation is Fanny Kiddy to you? A My sister.
Q Your full sister? A Yes, sir.
Q You both have the same father and same mother? A Yes, sir.
Q Is she younger or older than you? A Younger.
Q How old? A Somewhere in the Fifties.
Q How old was she when she left the Cherokee Nation? A She must have been up in 25 or 30, somewhere there, I don't know positively.
Q She wasn't here in 1880 was she? A I don't know.
Q Where did she go to when she left the Cherokee Nation? A She down either to the Choctaw or Chickasaw Nation.
Q How long was she gone? A I don't know exactly.
Q About how long? A I don't know.
Q Wasn't she up in Kansas and Missouri some? A No, sir, I never heard of it if she was.
Q How many times has she been married? A Two times.
Q Know what her first husband's name was? A No, sir, I don't know.
Q Then Mr. Kiddy was her second husband? A Yes, sir.
Q Do you know if her first husband was dead? A No, sir, I don't know.
Q Did you ever see him? A Yes, sir.
Q Don't you know his name? A No, sir.
Q Do you know whether she married before she left the Cherokee Nation? A I think she married after she left.
Q I mean to her first husband? A Oh! Yes, sir, she was living in the Cherokee Nation when she married the first time.
Q Do you know whether this first husband lived in the Cherokee Nation with her? A I don't think he did.
Q What is your information of what become of her first husband? A I don't know.
Q Don't you know whether he died or whether they separated? A They separated.
Q Was there any divorce granted? A I don't know.

D.#108--2..

Q How long has she been back here? A Ten years or more.

MARY WATERS, being called and sworn as a witness, testified as follows: Examination by Commission:

Q What is your name? A Mary Waters.

Q How old are you? A 42.

Q What is your post office address? A Vian.

Q Are you a Cherokee citizen? A Yes, sir.

Examination continued by W. W. Hastings:

Q Do you know George T. Kiddy? A Yes, sir.

Q Do you know his wife, Fanny? A Yes, sir.

Q How long have you known his wife? A Ever since '75.

Q What relation are you to her? A She is a second cousin to me.

Q Did you know her father? A No, sir.

Q Did you know her mother? A Yes, sir.

Q Where did you know her in '75? A Got acquainted with her at cousin Will Campbell's.

Q Was she married when you knew her first? A She had been married but her and her husband had separated.

Q What was her first husband's name? A George Stovefield.

Q What became of her after that? A I cannot tell you; the last time I saw her was at cousin Will Campbell's and she just picked up her hat and left; that was the last I saw of her until she married Mr. Kiddy and they came into the settlement where I lived in 1886.

Q That was the first time I seen her after she left cousin Will Campbell's.

Q Have you been seeing her ever since 1886? A Yes, sir.

Q Has she been living in the Cherokee Nation ever since 1886?

A Yes, sir, she lived neighbor to me there ever since 1886.

Q Lived there for the past 14 years then has she? A Yes, sir.

Q Do you know if she is a full sister of Dr. W. W. Campbell?

A Yes, sir, that is my information.

Examination of witness continued by Applicant, George T. Kiddy:

Q Didn't she leave some property when she left? A Yes, sir.

By W. W. Hastings:

Q What did that property consist of? A Stock, mules and some household furniture.

Q

W. W. Campbell, re-called and examined by Applicant:

Q Doctor, did you or did you not, turn over some cattle to my wife Fanny when she came back? A Yes, sir, I turned over some cattle.

Q And some furniture? A I don't remember about the furniture, I let her have some cattle.

By W. W. Hastings:

Q How many cattle did you turn over Doctor? A Two.

Q What did you give her those cattle for? A I was due her something on her estate--her interest in an estate of her mother.

D.#108.--3.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes & hereof.

Chas. von Weise

Subscribed and sworn to before me this 25th day of February, 1901.



Commissioner.

X-108
10

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 23 1901

[Handwritten signature]
ACTING COMMISSIONER

R. 1118-8

DEPARTMENT OF THE ARMY
COMMISSION TO THE FIVE COUNTRIES

FILED
FEB 27 1901

S U P P L E M E N T A L T E S T I M O N Y .

D.#106.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 26th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
George T. Kiddy et al. as citizens of the Cherokee Nation:

FANNIE T. KIDDY, being sworn and examined by Commissioner
Needles, testified as follows:

Q What is your name? A Fannie T. Kiddy. I wish to make a
statement in regard to my first husband, George Stofield; I haven't
seen him or heard of him; I heard he was dead and I haven't heard
another word since that time. He went away when the Cherokees
drew their first bred money, it was in seventy-three or four and
he went away just before that time; I haven't seen him since but
I heard; -there was one of the old time stage drivers told me that
he died at El Paso, Texas and I haven't heard a word of him from
that time.

By W. W. HASTINGS, Cherokee Representative:

Q When did you hear that? A In about a year after he went away;
in about a year ~~ix~~ after my mother died; it was in '74 or '75, I
think.

By COMMISSIONER NEEDLES:

Q Is that all? A Yes, sir; that is all.

---ooo000ooo---

J. O. Fosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized He correctly recorded
recorded the testimony of the above named witness and that the fore-
going is a true and complete transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this 27th day of February, 1901.



Commissioner.

Cher D 108.

George Kiddy

vs

Divorce.

Fanny J. Kiddy

Now at this 5th day of March 1884 comes the plaintiff by his attorney and it appearing to the satisfaction of the Court that defendant had duly and legally notified of the commencement of this action by personally service had on her more than fifteen days before the commencement of the first day of the last term of this court and the defendant failing to plead answer or demur to plaintiff's petition the same is taken as confessed And it further appearing to the satisfaction of the Court that the proofs and allegations are true as set out in plaintiff's petition. It is therefore considered ordered and adjudged by the Court that the bonds of Matrimony heretofore contracted and now existing between the Plaintiff and defendant herein be and the same are hereby dissolved and held for naught And it is further ordered that this decree be made final when all costs of suit herein are settled.

State of Missouri
County of Wright

ss.

I John M. Forrest Clerk of the Circuit Court within and fore the aforesaid County and State do hereby certify that the above is a true and correct Copy of the Decree of Divorcement entered at March Term of our said Court and that I further certify that the costs of said suit are all paid as the same appears of Record.

In Testimony Whereof I have hereunto set my hand and affixed my official Seal at office in Hartville this 5th day of August 1884.

John M. Forrest
Clerk.

(SEAL)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., -----

I, the undersigned, Assistant Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of said Division.

Prince S. Jones
Assistant Chief Clerk Cherokee Division.

Chas Sworn to and subscribed before me this 4th day of November, 1902.

Charles H. Sawyer
Notary Public.

Cher D 108.

George Kiddy

vs

Fanny J. Kiddy

Now at this 8th day of March 1884 comes the plaintiff by his attorney and it appearing to the satisfaction of the Court that defendant had duly and legally notified of the commencement of this action by personally service had on her more than fifteen days before the commencement of the first day of the last term of this Court and the defendant failing to plead answer or demurrer to plaintiff's petition the same is taken as confessed and it further appearing to the satisfaction of the Court that the proofs and allegations are true as set out in plaintiff's petition. It is therefore considered ordered and adjudged by the Court that the bonds of matrimony heretofore contracted and now existing between the Plaintiff and defendant herein be and the same are hereby dissolved and held for naught and it is further ordered that this decree be made final when all costs of suit herein are settled.

State of Missouri

County of Wright

ss.

I John M. Forrest Clerk of the Circuit Court within and for the aforesaid County and State do hereby certify that the above is a true and correct copy of the Decree of Divorcement entered at March Term of our said Court and that I further certify that the costs of said suit are all paid as the same appears of Record. In Testimony Whereof I have hereunto set my hand and affixed my official Seal at office in Warville this 8th day of August 1884.

John M. Forrest
Clerk.

(SEAL)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T.

I, the undersigned, Assistant Chief Clerk of the Cherokee Enrollment Division of the Commission to the Five Civilized Tribes and custodian of the records of said Division, do hereby certify that the above and foregoing is a true and correct copy of the original on file in the office of said Division.

Assistant Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 4th day of November, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 22, 1902.

In the matter of the application of George T. Kiddy for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Fannie Kiddy, as a citizen by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

GEORGE T. KIDDY, being sworn, testified as follows:

By the Commission,

- Q What is your name? A George T. Kiddy.
Q How old are you? A Forty-eight.
Q What is your postoffice? A Vian.
Q Are you a white man? A I am.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes, sir.
Q What is your wife's name? A Fannie T. Kiddy.
Q Fannie T. is it? A Yes, sir.
Q Is Fannie T. a Cherokee by blood? A Yes, sir.
Q How long has she been living in the Cherokee Nation? A She was born and raised here.
Q Does that mean she has been in the Cherokee Nation all her life? A She has been out some.
Q When were you married to her? A I was married -- I am not good to remember dates, but it was along in '87 or '88, March 5th, as well as I remember.
Q Is Fannie your first wife? A No, sir.
Q You had been married before? A Yes, sir.
Q What was your first wife's name? A Her maiden name, do you mean?
Q Yes. A Fannie Johnson.
Q Was she a white woman? A Yes, sir.
Q Is she dead? A No, I have a copy of the divorce though.
Q You are divorced? A Yes, sir, I have a copy in my trunk at home.
Q How long have you been divorced from her? A I don't know, I can't remember dates.
Q Before you married your wife, Fannie T.? A About four years ago.
Q Did you ever file a copy of that divorce with the Commission?
A No, sir, I was never required to.

You will be required to file a copy of the decree of divorce with the Commission.

- Q Is that the only time you have been married before you married your present wife? A The only time.
Q Had your wife, Fannie T., ever been married before she married you? A Yes, sir.
Q What was her first husband's name? A George Stofield.
Q Was he a white man or Cherokee? A White man, she says.
Q Was he dead or living? A Supposed to be dead.
Q Supposed to be dead? A Yes, sir. She had not heard of him or seen him for twelve or fifteen years before I was married to her.

Q Was she divorced from him? A No, sir.
Q He just went off and left her and she has not seen or heard from him for twelve or fifteen years prior to the time you married her?
A Yes, sir.
Q Did she ever make any inquiry? A I suppose so.
Q Where were they living when they separated? A Near the old home, near her father's.
Q And they have not heard from George Stofield since he left?
A They heard he was in Texas and Judge wrote.
Q Who wrote? A Judge. He claimed he had found a party there.
Q Did you say he found George Stofield? A He found a man that was a witness to his death.
Q Is that the only time your wife, Fannie, had been married before she married you? A The only time I know of.
Q Have you and your wife, Fannie, been living together since you married her? A All the time, yes, sir.
Q Living together now? A Yes, sir.
Q Has the Cherokee Nation been your home since you married your wife, Fannie? A Everyday.
Q Never lived anywhere else? A No, sir, not a day.
Q Got any children? A None at all.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 24th day of November, 1902.

W. H. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Fannie Kiddy as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on August 10, 1900, George T. Kiddy appeared before the Commission at Callins, Indian Territory, and made personal application for the enrollment of his wife, Fannie Kiddy, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 25 and February 27, 1901, and February 18 and October 27, 1901. The application also included George T. Kiddy for enrollment as a citizen by intermarriage of the Cherokee Nation, but his status as such is not passed upon at this time and he is not embraced in this decision.

The evidence shows that the said Fannie Kiddy is a Cherokee citizen by blood, and identified on the Cherokee strip payment roll of 1894 and the Cherokee census roll of 1896.

The evidence further shows that the said Fannie Kiddy, at the time of this application, was forty-eight years of age, and that she was temporarily absent from the Cherokee Nation from 1870 to 1888, but she returned thereto and has resided continuously in the Nation to the date of the application herein.

Therefore, the members of this Commission find that Fannie Kiddy is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and they hereby order that she be so enrolled, and that the necessary order be made for the same.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamo Dixby.

I. B. Needler.

J. R. Breckinridge.

W. E. Stanley.

Commissioner.

Noted at Muskogee, T. T.,

JUN 1 - 1903

Refer in reply to the following:
Land 45655-1903.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 19th, 1903

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of George T. Kiddy, for the enrollment of his wife, Fannie Kiddy, as a citizen by blood of the Cherokee Nation; said application also included the said George T. Kiddy, who asked to be enrolled as a citizen by inter-marriage of the Cherokee Nation, but his application was not considered in this decision.

The Commission on June 1st, 1903, rendered a decision in this case as to the application of the said Fannie Kiddy, and found from the evidence that she is a Cherokee citizen by blood, and identified on the Cherokee Stray Payment roll of 1894 and the Cherokee census roll of 1896. The Commission further finds from the evidence that the said Fannie Kiddy at the time of this application was 48 years of age, and that she was temporarily absent from the Cherokee Nation from 1870 to 1880, at which time she returned thereto, and has resided continuously in said nation up to the date of the application herein.

By reason of the foregoing facts the Commission is of the opinion that she should be enrolled as citizen by blood of the

Cherokee Nation, in accordance with the provisions of section 21 of the act of Congress approved June 20, 1898 (30 Stats. 495).

The Cherokee Nation filed a protest against the enrollment of this applicant on the ground that her non-residence in the Cherokee Nation for thirteen years worked a forfeiture of her right to be enrolled as a citizen of the Cherokee Nation, under the provisions of article 1, section 2, of the constitution of the Cherokee Nation.

The office has examined the testimony submitted in behalf of this applicant, and finds the facts stated by the Commission in said decision in conformity thereto.

Under these facts it does not appear that the said protest of the Nation is applicable by reason of the provisions in section 21, of the act of June 20th, 1898. The office sees no reason to disturb the decision of the Commission herein and recommends that it be affirmed by the Department.

Very respectfully,

W.C.B. - J.C.

W. A. Jones.
Commissioner.

D. C. 20213-1903

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RAV.

DEPARTMENT OF THE INTERIOR.

ITD. 6330-1903

WASHINGTON.

September 5, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

July 28, 1903, you transmitted the record in the matter of the application for enrollment of Fannie Kiddy as a citizen by blood of the Cherokee Nation, including your decision of June 1, 1903, granting the application.

It appears that the applicant, Fannie Kiddy, was 48 years old at the date of her application; that she was born in the Cherokee Nation; that she has continued to reside in said nation up to and including the date of this application, with the exception of a period extending from 1875 to 1888, during which time she was temporarily absent from said nation. The applicant states that during said time she traveled for her pleasure and benefit. It appears that she traveled through several of the States, stopping for a short while in each, and that her property, which consisted of stock, mules and some household furniture, was not removed from the Cherokee Nation. Her name appears upon the Cherokee "strip" payment roll of 1894 and Cherokee census roll of 1896.

The attorney for the Cherokee Nation protests against your decision, claiming that because of the applicant's non-residence in the Cherokee Nation for thirteen years, she forfeited her

right to be enrolled as a citizen of the Cherokee Nation, under the provisions of Article 1, section 2, of the Cherokee Constitution.

Said section provides:

"That whenever any citizen shall remove with his effects out of the limits of this nation, and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease."

Reporting August 19, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Assistant Attorney General in his opinion of March 16, 1903, relative to the case of Joseph D. Yeargain et al., states:

"There are three elements clearly defined which must concur to effect forfeiture of nationality, or complete expatriation -- viz: removal of the person, coupled with removal of all effects and property, and acquisition of another nationality by assuming the obligations of citizenship there."

Inasmuch as it appears that the absence of the applicant from the Cherokee Nation from 1875 to 1888 was for temporary purposes only, and as she did not remove her effects from said nation, nor acquire another nationality by assuming obligations of citizenship elsewhere, the Department is of the opinion that your decision, holding that she should be enrolled as a citizen of the Cherokee Nation, is correct, and the same is hereby affirmed.

Respectfully,

1 inclosure.

(signed) C. J. Hitchcock
Secretary.

Cherokee No.
D. 108

Muskogee, Indian Territory, January 10, 1907.

George T. Kiddy,
Vian, Indian Territory

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Department of the Interior, Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

| | | | |
|----------------------|-----|---------------------|-----|
| James Watson | 5 | Scott Harless | 294 |
| Benjamin W. Williams | 8 | Emma Phillips | 307 |
| Lena Severs | 19 | John Whisenhunt | 350 |
| Sarah E. McCay | 21 | Tilman Chance | 373 |
| Joseph Herberger | 23 | Thomas A. Sheffield | 384 |
| Laura Henson | 43 | Vester C. Martin | 388 |
| William W. Barnes | 48 | William Grigsby | 417 |
| Georgia Wood | 54 | William J. Largen | 508 |
| Walter A. Edens | 62 | Joseph P. Willis | 584 |
| Adda B. Ward | 69 | James T. Miller | 598 |
| Samuel G. Victor | 73 | George A. Waters | 632 |
| Sarah M. Thomas | 109 | Jenette Messer | 666 |
| William B. Watson | 165 | Joseph A. Patton | 679 |
| William H. Ford | 173 | Benjamin G. Holland | 763 |
| Thomas N. Wilson | 185 | William Gordon | 798 |
| Ulsie Ann Smith | 206 | Maggie Patterson | 804 |
| Susan M. Perry | 208 | Martha M. Bruner | 832 |
| Gertrude Palone | 224 | Emma Morris | 842 |
| Hugh Willis | 229 | Susie Fivekiller | 857 |
| Mary A. Wilkie | 248 | John F. Carden | 861 |
| John W. Thurman | 253 | William H. Burrow | 967 |

| | | | |
|----------------------|------|---------------------|------|
| Mary Pettit | 977 | Millie Morton | 1554 |
| Bettie Mitchell | 985 | Andrew Walters | 1573 |
| John J. Harrison | 993 | John H. Holder | 1610 |
| Jasper N. Bateman | 1029 | Mary M. Burr | 1612 |
| Susan Ballard | 1065 | Thomas E. Bonham | 1644 |
| Luey Eva Simmons | 1073 | Florence Headrick | 1663 |
| Ellen Thornton | 1089 | Daisy B. Brewer | 1709 |
| Sarah E. Hair | 1090 | Annie Cordrey | 1717 |
| Norman S. Drake | 1092 | Adam Eckert | 1722 |
| Susan Hogg | 1094 | Isaac Timmons | 1726 |
| David L. Scott | 1099 | Gent Gibson | 1727 |
| James C. Taylor | 1111 | Amos Anderson | 1731 |
| Roxie Shepard | 1128 | William J. Mounts | 1734 |
| Robert G. Elgin | 1136 | James D. Alexander | 1745 |
| William Hall | 1137 | Willis E. Miles | 1769 |
| Mary Ella Lattimore | 1141 | Lora Adair | 1781 |
| Maggie J. Keys | 1149 | John Yarborough | 1796 |
| Joseph M. Correll | 1177 | Lillie M. Dassler | 1802 |
| Jane Ratley | 1225 | Bryant C. Redington | 1804 |
| George E. Norton | 1234 | Malisa A. Maxwell | 1808 |
| Mahala D. Thompson | 1247 | Richard Dukes | 1811 |
| Charles M. Trammel | 1264 | Fannie Pettit | 1816 |
| Flora Carlile | 1265 | Genevia Pool | 1817 |
| William H. Norrid | 1275 | Mollie Crossland | 1822 |
| Olivia Bengé | 1276 | Lizzie Bengé | 1828 |
| Dollie Wilson | 1278 | John H. Welty | 1847 |
| Moses Bell | 1279 | Edward P. White | 1884 |
| Sarah Fleetwood | 1290 | Lauren P. Green | 1887 |
| Rosa E. Fargo | 1299 | Charles Rosser | 1898 |
| William M. Oliver | 1333 | Fay Adair | 1913 |
| Andrew J. Couch | 1340 | Henrietta Irving | 1920 |
| Lina Hyles | 1347 | Bird Trippard | 1925 |
| Mary M. Miller | 1350 | John C. Carlile | 1937 |
| Mary E. Taylor | 1368 | John W. Gilstrap | 1954 |
| Polly Ann Bengé | 1369 | Sarah Young | 2018 |
| Margaret Moton | 1385 | Nancy A. Coleman | 2040 |
| Minnie McKinney | 1390 | James N. Whisenhunt | 2118 |
| Nettie Seabolt | 1418 | Hiram Stephens | 2157 |
| Lawrence G. Faulkner | 1433 | Asa L. Guinn | 2159 |
| Sarah A. Holt | 1449 | Rebecca J. Flying | 2172 |
| Jennette Polecat | 1492 | Thomas J. Measles | 2192 |
| Ellen Seabolt | 1508 | Julia Coody | 2215 |
| Charles W. Nettles | 1509 | Sarah Crutchfield | 2224 |
| Lena Sittingdown | 1511 | Henry E. Lee | 2251 |
| Tim Creeden | 1513 | Sarah Gritts | 2256 |
| Odie Pideock | 1517 | John A. Madden | 2261 |
| Silas A. Saterfield | 1529 | Henry C. Pennel | 2271 |
| Laura J. Jeremiah | 1530 | Matilda S. Cleland | 2302 |
| Etta Hicks | 1540 | Dona A. Frazier | 2312 |
| Mary A. B. McKinney | 1550 | Laura B. Cordrey | 2320 |

| | | | |
|-----------------------|------|------------------------|------|
| Lafayette D. Kindred | 2328 | William A. J. Trotter | 3257 |
| Pearl V. Sisson | 2339 | Albert P. Goforth | 3298 |
| Nancy J. Sevier | 2380 | Anna B. Martin | 3307 |
| Mollie Hair | 2385 | William Brown | 3344 |
| Dora Sayers | 2474 | Jennie B. Bluejacket | 3345 |
| William T. Jones | 2501 | William Little | 3377 |
| Sarah L. Martin | 2502 | Julia M. A. Russell | 3386 |
| William J. Shoemaker | 2506 | Andrew J. Smith | 3393 |
| Maud Balldridge | 2511 | William N. Blakemore | 3396 |
| James L. Townsend | 2513 | Lizzie Denton | 3417 |
| George L. Morgan | 2568 | Belle Hudson | 3435 |
| Andrew A. Brown | 2575 | Thomas S. Heady | 3437 |
| Louis K. Fair | 2623 | William M. Roseborough | 3444 |
| James L. Mitchell | 2644 | Madison G. Hawkins | 3467 |
| Martha E. McNair | 2659 | Japhat F. Ellis | 3491 |
| Millard F. Eggleston | 2668 | Emma McAffrey | 3543 |
| Elisha M. Gray | 2686 | William T. Huitt | 3570 |
| Jessie M. Ballard | 2694 | Myra F. Chouteau | 3580 |
| Annie Mayes | 2798 | Phillip Donohoo | 3581 |
| Belle Sixkiller | 2809 | Fred L. Kelley | 3593 |
| James P. Riley | 2825 | Annie Herod | 3594 |
| William Broaddus | 2854 | Maggie V. Fields | 3615 |
| William A. Martin | 2865 | Lou Payne | 3616 |
| Joseph Q. Buchanan | 2888 | Frederick W. Strout | 3692 |
| Marcellus L. Baker | 2905 | Andrew L. McCamish | 3713 |
| Etta M. Hill | 2915 | Sarah Dirthrower | 3731 |
| John R. Smith | 2922 | William P. Coble | 3758 |
| Ira W. Wallen | 2926 | Robert L. Madison | 3761 |
| John B. Laurence | 2959 | Mariah McDowell | 3795 |
| Lula O. Hitchcock | 2961 | Elizabeth R. Thornton | 3811 |
| Bell L. Muskrat | 2975 | Donithan A. Wilson | 3841 |
| Eliza O'Field | 2977 | Charles F. Covey | 3868 |
| Margaret Suagee | 2993 | Tamsey M. Williams | 3886 |
| Winfield S. Nance | 3007 | Mary J. Wolfe | 3889 |
| Benjamin F. Kelley | 3010 | Lathan Lumbard | 3891 |
| Mollie Daugherty | 3039 | Micajah P. Haynes | 3897 |
| Charles H. Leatherman | 3043 | Annie L. Wingfield | 3903 |
| Alice A. Edwards | 3100 | Mary Fields | 3907 |
| Dorinda Adair | 3106 | William W. Dudley | 3944 |
| William R. Gray | 3118 | Minnie M. McLaughlin | 3950 |
| Dora B. Caulk | 3143 | Henry B. Lindsey | 3978 |
| Jesse M. Gallman | 3161 | Wilbert H. Parkison | 3999 |
| Martha E. Garrett | 3162 | Seth R. Hall | 4011 |
| Artie E. Large | 3164 | Wiley Hanna | 4016 |
| Andrew A. Kelley | 3191 | Martha M. Woods | 4093 |
| Anna B. Ryne | 3193 | Lizzie Gray | 4117 |
| Eliza Henderson | 3198 | Nancy C. Carey | 4131 |
| David E. Jenkins | 3212 | Annie E. Kenney | 4165 |
| Lizzie Falling | 3233 | William H. Ward | 4169 |
| Robert L. Payne | 3252 | Nannie Brewer | 4189 |

Nancy J. Kinney 4225
 Sydney E. Bell 4232
 Isaac H. Jordan 4235
 Charles Parks 4244
 Dora Frenchman 4262
 James R. Fugate 4275
 Maud Adams 4277
 Elizabeth Black 4281
 Anna Thornton 4291
 Robert T. Morrison 4294
 Perley Israel 4295
 William A. Long 4304
 Mollie Swannock 4319
 Frances Guess 4324
 Allen H. Gibson 4327
 John McFall Jr. 4343
 Albert W. Fitzsimmons 4360
 George S. Ford 4386
 Quinn Carr 4387
 William A. Powell 4390
 Austin Hasley 4400
 Anna Bible 4414
 Elizabeth Riley 4428
 John P. Sudderth 4449
 Anderson Keen 4450
 Ida M. Adams 4451
 Martha J. Randall 4457
 Mollie Conner 4477
 Jane McGhee 4491
 Jennie Riley 4525
 Hannah Randall 4528
 Charles W. Childers 4542
 Nannie B. Riley 4543
 John W. McDaniel 4544
 Minnie Armstrong 4548
 Ada Chouteau 4549
 Mary Thompson 4571
 Ota Armstrong 4593
 Mary Spencer 4594
 Clarkson F. Woody 4603
 James M. McConnell 4604
 Annie E. Coker 4605
 Jennie Long 4606
 Julia Gilstrap 4607
 Laura E. Smith 4608
 Annie Nicholas 4609
 Minnie R. Taylor 4611
 Mary E. Rogers 4614
 Emma Downing 4615
 William Steere 4619

Roxie J. Ketchum 4623
 Lizzie Love 4626
 Robert K. Wann 4632
 Frederick Metzner 4633
 John C. Bratcher 4634
 Pigrow L. Jones 4641
 Ada Bertholf 4642
 Alice Robbins 4644
 Jane Dougherty 4649
 Samuel Francis 4650
 Clemon C. Peek 4652
 Mont C. Frazier 4653
 Frank J. Mayberry 4656
 Charles W. Moore 4660
 Jefferson D. Edmondson 4661
 Alonzo H. Boone 4662
 Thomas C. Mock 4668
 Sallie Allison 4669
 Elizabeth E. Burgess 4671
 LaFayette Breeden 4673
 James M. Boling 4676
 Francis A. Neilson 4681
 John F. Smith 4689
 Rufus S. Steward 4691
 John I. Haddock 4694
 Maggie O. Walkley 4695
 George W. Talbert 4698
 Mary Miller 4700
 Henry C. White 4707
 Mattie E. Hill 4760
 Alice A. Bible 4772
 Katie Coker 4785
 John Creek 4801
 Ruby R. Bean 4804
 William J. Dodson 4836
 Blackburn Reed 4882
 Viola Lowther 4891
 William B. Ritchson 4910
 Henry D. McDonald 4950
 Della McDaniel 4956
 Dorothy Rattlinggourd 4991
 Ida McCay 5093
 Henry M. Lyon 5100
 Alice J. Wofford 5101
 Nancy Morris 5137
 Ella Sullivan 5140
 Winfield Williams 5144
 Bessie M. Smith 5145
 May Humphrey 5207
 Donnie Burgess 5235

Nora B. Burgess 5236
 John E. Etter 5239
 Harriette Rogers 5240
 Amanda Foreman 5244
 William H. Wells 5261
 John T. Gaylor 5266
 Annie Sweeten 5269
 Rosalee Hendricks 5278
 Emma Chambers 5328
 James H. Thomas 5329
 Melville B. Baird 5332
 James R. Goodall 5356
 Charles Horton 5390
 James W. Goddard 5417
 Dora Cox 5425
 Nannie G. Alberty 5438
 Sallie Ward 5455
 William H. Sutherlin 5484
 Lizzie Hall 5487
 Cyrus B. Essex 5489
 Eda Taylor 5493
 Laura Taylor 5494
 Elector D. Miller 5496
 Emberson M. Arnold 5498
 Stella Henry 5499
 William E. Oneal 5506
 John M. Sharp 5509
 John L. Davis 5514
 Sarah E. Downing 5518
 Samantha C. Glass 5524
 Harry Jones 5525
 Aggie Paris 5532
 James W. Hallford 5535
 Phoebe Coker 5537
 Anthony K. Douglas 5538
 Joseph H. Johnson 5541
 Harvey O. Riggs 5547
 Alice Glass 5553
 Addison Reeves 5566
 Alice Coats 5572
 Julia Kidd 5575
 William R. Greer 5576
 Rosa M. Sixkiller 5581
 Nancy Inlow 5587
 Daisey H. Owen 5599
 Annie R. C. Owen 5600
 Jesse McKnight 5602
 Cicero J. Strange 5610
 Henry Westenhuver 5611
 Emma H. Roach 5612

William A. Polson 5613
 Paulina P. Pitcher 5614
 Charley Headrick 5615
 William N. Stinson 5616
 Lenora A. Henry 5621
 Effie M. Adams 5622
 John H. Shimp 5624
 Thomas B. Dickson 5625
 Minnie Henry 5628
 Thomas J. Simpson 5629
 Cap L. Lane 5630
 Reuben E. DeLozier 5631
 John Heape 5640
 Perry G. Brock 5645
 Mary J. Newcomb 5650
 George W. Seigel 5660
 Martha A. Parks 5666
 Zelda C. Mills 5674
 Lizzie Rogers 5675
 Emma Pigeon 5676
 Nellie Bluejacket 5677
 Lucy Bacon 5679
 Thomas B. Wood 5681
 Asa W. Simerson 5683
 William J. Kuhn 5686
 Elsie Couch 5688
 William H. Robinson 5692
 Rachel Washington 5693
 Isaiah B. Blackwood 5700
 John R. Johnson 5701
 Dennis W. Smith 5702
 William H. Chesnut 5705
 William H. Durham 5707
 Albert B. Buckmaster 5710
 Maud Crutchfield 5730
 Joseph S. Layne 5731
 Lena Bell 5737
 Juan N. Corn 5748
 Robert N. Crafton 5750
 Benjamin F. Coffee 5756
 Frank McSpadden 5760
 Charles D. Pendleton 5775
 Harden H. Green 5776
 Emma J. Ward 5778
 Robert C. Fuller 5781
 Henry F. Extine 5796
 Ida Wyly 5802
 Richard L. Fite 5815
 Edward Lutz 5816
 John F. Woodworth 5829

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|-----------------------|------|-----------------------|------|
| Horace H. Huddleston | 5832 | George C. Duffield | 6031 |
| William R. Sartain | 5837 | Amelia Reese | 6033 |
| Joseph A. Lawrence | 5843 | Alexander West | 6036 |
| William H. Hinton | 5846 | John Tootle | 6037 |
| Joseph Lehr | 5851 | Florence G. Langley | 6038 |
| Euin M. Young | 5852 | John T. Ham | 6042 |
| Mary C. Barnes | 5853 | Mary L. Jordan | 6048 |
| Matilda Thompson | 5861 | John W. Bradshaw | 6076 |
| William W. Young | 5872 | James L. Dean | 6079 |
| Earley F. Ellis | 5874 | Amanda J. Thompson | 6082 |
| Rosa B. Alberty | 5877 | Malissa Hubbard | 6089 |
| Sarah Cannon | 5879 | Jane Bengé | 6111 |
| Mamie Beck | 5887 | John D. Ryals | 6113 |
| Jack H. Merchant | 5888 | John C. DeLozier | 6117 |
| John D. Merchant | 5889 | Jessie Willis | 6118 |
| Sarah E. Ghormley | 5894 | Mary A. Clark | 6124 |
| Jerry Young | 5906 | Mary J. Tipton | 6126 |
| James H. Brickey | 5916 | Leander Newton | 6136 |
| Mary Hicks | 5919 | William A. Qualls | 6138 |
| George W. Weems | 5922 | Henderson B. Thomas | 6144 |
| Albert Crain | 5923 | Hugh T. Watkins | 6163 |
| James M. Jones | 5932 | Nancy Keys | 6172 |
| Alfred W. Shelly | 5935 | Berry Hutchins | 6186 |
| John M. Stratton | 5936 | Eli Parker | 6189 |
| Waddie Hudson | 5937 | Sarah E. Shaw | 6194 |
| Robert C. Johnson | 5939 | Julia Keys | 6211 |
| Mary T. Thompson | 5941 | Boon J. Grey | 6214 |
| Edith A. Parris | 5943 | John Grubb | 6216 |
| Addie Hubbard | 5949 | William M. Costephens | 6230 |
| John A. Lowry | 5962 | Jane Bean | 6232 |
| John R. W. Brantley | 5963 | Lillie I. Taylor | 6236 |
| James T. Carroll | 5964 | Abbie B. Adair | 6239 |
| Christopher F. Jordan | 5965 | Mack C. Watkins | 6246 |
| Minerva E. Stover | 5966 | Robert W. Murray | 6261 |
| John W. Twilley | 5967 | John G. Petty | 6269 |
| Joseph W. Mounce | 5970 | Lucinda Poorboy | 6279 |
| Cornelius P. Potter | 5971 | Sarah Mayes | 6286 |
| Amanda C. Thompson | 5972 | Henry W. Pyeatt | 6300 |
| John M. Rusk | 5976 | Isaac A. Wilson | 6308 |
| Harrison L. Hughes | 5978 | John T. Hall | 6310 |
| Silas B. Dildine | 5983 | Edward L. King | 6315 |
| Lewis M. Payne | 5985 | Katie Still | 6325 |
| Nancy Beamer | 5988 | Emmer Carlile | 6338 |
| Sarah F. Selvidge | 6002 | Bird Webster | 6347 |
| Posy F. Buckner | 6005 | Fannie Morris | 6353 |
| John A. Moreland | 6010 | Leonard Lee | 6357 |
| Alice Welch | 6015 | James R. Miller | 6362 |
| Mary C. Thompson | 6022 | James Brackett | 6370 |
| Ida Beck | 6029 | Nora Allen | 6371 |
| William R. Tittle | 6030 | John T. Washington | 6373 |

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|------------------------|------|---------------------|------|
| James J. Snider | 6375 | James L. Lee | 6717 |
| William H. Winget | 6376 | Rosa Phillips | 6723 |
| Ida R. Wilkerson | 6383 | Kate Brown | 6735 |
| George A. McBride | 6385 | Laura B. Barnett | 6743 |
| Matilda Cookson | 6387 | Elizabeth Sanders | 6745 |
| William A. Fisk | 6392 | William T. Neff | 6747 |
| William O. Ames | 6394 | William R. Scott | 6751 |
| Thomas Wilkerson | 6396 | Laura Fish | 6770 |
| Alice C. Springston | 6407 | Maggie Ketcher | 6779 |
| Fanny N. Witt | 6413 | Dora A. McDonald | 6783 |
| Lillie M. Adair | 6424 | Rosia B. Willis | 6785 |
| Mark F. Matheson | 6428 | Daniel Hubbard | 6787 |
| Ida L. Wilson | 6431 | Mary R. Tadpole | 6801 |
| George E. Marrs | 6441 | Magnus A. McSpadden | 6811 |
| Ulysses S. Reeves | 6443 | Sarah F. Pathkiller | 6824 |
| Daniel A. Smith | 6447 | Clora Twist | 6845 |
| Henry J. Dawson | 6450 | Mattie M. Welch | 6846 |
| Sarah Adair | 6452 | Cora Griffin | 6850 |
| Ida F. Wilson | 6455 | John S. Hyatt | 6853 |
| Mary E. Taylor | 6459 | Jefferson K. Tyner | 6855 |
| Catherine Henson | 6468 | Flora R. Miller | 6859 |
| Charles C. Fitzsimmons | 6471 | Lizzie Craig | 6872 |
| Mary E. Campbell | 6476 | Jacob C. Johnson | 6876 |
| Columbus N. Long | 6478 | George W. Ware | 6897 |
| Mary Wilkerson | 6480 | James B. Deatherage | 6901 |
| Myrtle Ward | 6484 | Lucinda F. Hartness | 6943 |
| Belle Manus | 6499 | Frances E. Tehee | 6961 |
| Martha E. McLain | 6508 | James M. Burt | 6965 |
| Mary A. Brown | 6517 | Rady Tipton | 6975 |
| Marion M. Ballew | 6530 | Laura Hendricks | 6976 |
| Mellie Mayfield | 6540 | Laura V. Smith | 6979 |
| Sarah Blevins | 6541 | Lorenzo C. Darnell | 6988 |
| Frank Powell | 6542 | Robert M. Mitchell | 7004 |
| Georgia Jackson | 6546 | William Henry Reeve | 7005 |
| Leonard S. Simpson | 6549 | James Pyle | 7009 |
| Almira Ussrey | 6560 | Willie Hilderbrand | 7015 |
| James McInerney | 6561 | Alice M. Roberson | 7031 |
| Fannie Carlile | 6578 | Charles Morris | 7043 |
| Sadie A. Mayfield | 6580 | Minerva J. Trent | 7051 |
| Silas A. Bryan | 6581 | John H. Keith | 7078 |
| William S. Martin | 6585 | Katie E. Ratley | 7080 |
| Emma J. Thompson | 6589 | Etta Patrick | 7081 |
| Lydia McDaniel | 6593 | Nannie Martin | 7090 |
| David W. Lamb | 6595 | Rosa B. Harris | 7094 |
| Gus R. Hart | 6603 | Samuel Brown | 7100 |
| Poca Phillips | 6632 | William H. Turner | 7101 |
| Lois E. Daniel | 6678 | Florence Mayes | 7104 |
| William W. Turner | 6689 | Maggie McCoy | 7112 |
| Lillie B. Blackstone | 6714 | Mary Belle Cordry | 7113 |
| Mary Lillard | 6715 | Benjamin Haner | 7119 |

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|-----------------------|------|----------------------|------|
| James Maher | 7128 | Robert B. Collins | 7556 |
| Terry A. Parkinson | 7146 | Nancy I. Brown | 7579 |
| Cora L. Hanks | 7147 | Mary B. Walkingstick | 7642 |
| Otto J. Zufall | 7149 | Robert T. Kelleam | 7653 |
| Rufus M. Norman | 7155 | Mollie Morton | 7797 |
| Mary F. Foreman | 7158 | Mattie Girty | 8006 |
| Alma West | 7159 | Mack Alfred | 8015 |
| James M. Connally | 7161 | Ida Harmon | 8016 |
| Francis M. Crowell | 7163 | Ida McCoy | 8417 |
| Fannie E. McClure | 7171 | Rosie Foreman | 8903 |
| Benjamin B. Graham | 7176 | Annie Jackson | 9034 |
| Ada Phariss | 7180 | Margaret T. Langley | 9092 |
| William L. Whisenhunt | 7184 | Ida M. Davis | 9266 |
| Frances B. Perry | 7191 | Nora Crapo | 9289 |
| Philip Shultz | 7210 | Margaret Harmon | 9378 |
| Hester A. Miller | 7212 | Mary B. Langley | 9438 |
| Minnie B. Edmonds | 7213 | Ella Gravitt | 9439 |
| Eliza Jordan | 7217 | William M. Wilson | 9444 |
| William T. Ross | 7218 | David O. Scott | 9446 |
| Thomas M. Price | 7225 | Harriett Forbes | 9447 |
| James G. Wilson | 7231 | John Carver | 9449 |
| Frank Rhomar | 7263 | Thomas J. Davis | 9451 |
| John W. Thompson | 7267 | Clara M. Boudinot | 9453 |
| Melissa Booth | 7271 | Mary E. Keys | 9454 |
| Solon L. Jackson | 7273 | John G. Ainsworth | 9456 |
| Henry W. Coughran | 7282 | Mary J. Christy | 9460 |
| Sarah Ross | 7291 | Malinda Seabolt | 9462 |
| Mary S. Smith | 7322 | Mary Cumpton | 9464 |
| John A. Martin | 7323 | Mollie P. Mulkey | 9465 |
| Myrtle Robinson | 7330 | Andrew Brimmer | 9467 |
| Allen L. Buckner | 7331 | James F. Flippin | 9471 |
| James L. Goad | 7350 | William Bird | 9473 |
| Elijah Johnson | 7351 | Mollie C. Forbes | 9476 |
| Mary E. Kimbrough | 7360 | William H. Thomason | 9478 |
| Jennie Burr | 7367 | Mollie Devine | 9481 |
| Kiasay Sapsucker | 7378 | Mary P. Guthrie | 9482 |
| Sarah J. Johnson | 7394 | Detlev N. Leerskov | 9484 |
| William I. Branan | 7409 | Nannie Cowart | 9485 |
| Wyatte T. Brady | 7412 | Leona Catcher | 9489 |
| Lena O. Holderman | 7413 | Alexander B. Clapp | 9502 |
| Mary F. Hummingbird | 7420 | Tennie Sanders | 9503 |
| Bertha A. Allen | 7425 | Virgil A. Wiltshire | 9505 |
| Robert J. Tyner | 7426 | Joshua K. Carr | 9510 |
| Fannie B. Martin | 7434 | Herbert Kneeland | 9518 |
| Myrtle Wolfe | 7435 | Hugh E. Hope | 9519 |
| Mary Blevins | 7479 | Thomas J. Ritter | 9522 |
| Sarah Ketcher | 7488 | Martha Baldrige | 9529 |
| Charles D. England | 7512 | James R. Poindexter | 9535 |
| May Cochran | 7544 | Maud Foreman | 9539 |
| Rebecca Oglesby | 7549 | Belle Bryant | 9542 |

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|------------------------|------|--------------------------|-------|
| Joseph P. Smith | 9550 | William G. Brown | 9879 |
| George E. Watkins | 9552 | John B. Delay | 9881 |
| Florence Henry | 9553 | Pairlee Thompson | 9882 |
| Jesse H. Johnson | 9560 | Guenther W. Werther | 9883 |
| Lydia B. Barger | 9561 | Margaret Crittenden | 9884 |
| Mary Jane Thomas | 9562 | Moses L. Morris | 9889 |
| James F. Petty | 9563 | Sarah L. Rogers | 9891 |
| Laura McCrary | 9566 | Stephen Duncan | 9892 |
| Joel D. Smith | 9568 | Gideon D. Sleeper | 9895 |
| William T. Cave | 9572 | William A. Maddin | 9896 |
| William Bugher | 9577 | John H. Horton | 9904 |
| James M. Smith | 9582 | Howe L. Rogers | 9905 |
| John E. Nazworthy | 9583 | William Rush | 9912 |
| Beverly L. Lafon | 9587 | George W. Edens | 9916 |
| Robert L. Gentry | 9590 | William H. Hall | 9920 |
| John C. Barker | 9591 | Edith B. Pheasant | 9935 |
| John P. Greenwood | 9593 | Carrie A. Collins | 9936 |
| Henry Hayes | 9596 | Lucinda Spriggs | 9937 |
| Ella Cornwell | 9598 | Ella F. Hail | 9939 |
| Asa A. Hedrick | 9599 | John W. Harris | 9949 |
| William C. M. Robinson | 9600 | Hannah Raper | 9942 |
| Woodrow Hadley | 9612 | John J. Coughran | 9945 |
| William T. Gregory | 9613 | Youra F. Waybourn | 9946 |
| Charles M. Keys | 9616 | Louisa J. Taylor | 9947 |
| Bate O. Reed | 9618 | William M. Evans | 9948 |
| Joseph E. Feland | 9623 | William F. Pierce | 9940 |
| Florence C. Smith | 9625 | May F. Chambers | 9950 |
| Charles M. Cox | 9630 | Albert Stevenson | 9954 |
| Otis S. Skidmore | 9634 | Henry Kiefer | 9955 |
| William H. Hundley | 9635 | Sarah Bean | 9956 |
| Thomas A. McDonald | 9636 | Zeno M. Cox | 9964 |
| Annie Sanders | 9638 | Jerusha E. Blair | 9965 |
| Mack H. Martin | 9640 | Elias Kyle | 9991 |
| Mary Ward | 9653 | Ida Cushman | 9992 |
| George Givens | 9658 | James W. Fleming | 9994 |
| Pheney Poorboy | 9660 | Samuel Holmes | 9995 |
| Charley Kiper | 9671 | Walter H. Talley | 9997 |
| Andrew J. Snider | 9672 | Hannah J. Miller | 9998 |
| William T. Barton | 9684 | Clara V. Ward | 10002 |
| Daniel Crail | 9770 | Stephen W. Pittsenberger | 10005 |
| Mary M. Motte | 9771 | Mary E. Palmour | 10008 |
| Lecia E. Herrin | 9854 | William T. Partin | 10011 |
| Gailen E. Carrick | 9855 | Nellie Fields | 10013 |
| Rosa B. Barger | 9857 | Sarah A. Dawes | 10015 |
| Rachel Foreman | 9858 | Willard E. Hutchins | 10016 |
| Serepta C. Willis | 9861 | Jesse Talbert | 10020 |
| Virgie Seabolt | 9864 | Julia E. Setser | 10021 |
| Annie Cannon | 9867 | Amanda E. Howell | 10022 |
| Isabella McCoy | 9874 | Mamie J. Rogers | 10023 |
| Robert E. Dry | 9875 | Nannie Rogers | 10024 |

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|-----------------------|-------|----------------------|-------|
| James B. Bradshaw | 10025 | Millie A. Carnes | 10113 |
| Ida L. White | 10026 | Lucy E. Robards | 10114 |
| Addie B. Miller | 10027 | Edward H. Fitzgerald | 10115 |
| William R. Condry | 10028 | John T. Pickard | 10117 |
| James D. Canary | 10029 | Charles Rains | 10118 |
| John Kelley | 10031 | Nancy Mayfield | 10123 |
| Kate Craig | 10033 | Anna B. Tittle | 10124 |
| John A. Butts | 10034 | Richard A. Clark | 10126 |
| John J. Dameron | 10035 | Emma B. Martin | 10128 |
| William Warner | 10036 | Walter L. Bates | 10129 |
| George A. Allen | 10037 | Nellie Brewer | 10130 |
| Watie Shetley | 10038 | William Heffernan | 10131 |
| John E. Carter | 10039 | Levi Ackley | 10132 |
| John M. Boyd | 10043 | Bessie Davis | 10133 |
| William Fister | 10047 | Eva Brackett | 10135 |
| Darius B. Troth | 10049 | Caleba Carnes | 10136 |
| Harry A. Kelley | 10050 | Jacksie M. Waybourn | 10138 |
| Mary E. Purcell | 10051 | Minnie Shutt | 10139 |
| Myron L. Bronson | 10052 | Charles L. McClure | 10140 |
| George W. Taylor | 10053 | William W. Russell | 10141 |
| Josie Lowther | 10054 | Delia Jenkins | 10142 |
| Fannie D. Perry | 10055 | John A. Hood | 10143 |
| Minnie B. Williams | 10056 | Oba Maxfield | 10145 |
| Solomon Copeland | 10058 | Mary L. Cloud | 10146 |
| Etha B. Wood | 10059 | Callie Inlow | 10147 |
| James Pace | 10060 | Everett M. Lowrence | 10148 |
| Wiley B. McElhaney | 10062 | Dora E. Hays | 10150 |
| Nancy Patrick | 10063 | Julia M. Schrimsher | 10151 |
| James R. Stout | 10072 | Parmelia E. Lyman | 10153 |
| George Parker | 10073 | Charles F. Trickey | 10161 |
| Laura Morton | 10074 | Louisa J. Palmour | 10169 |
| John D. Kelly | 10075 | George L. Walker | 10170 |
| Nettie Swift | 10078 | Annie Taylor | 10171 |
| Maggie Baldridge | 10079 | Josie Winters Hall | 10174 |
| David R. Stubblefield | 10080 | Alice Nichols | 10181 |
| Thomas J. C. Thompson | 10081 | Lizzie Dry | 10182 |
| Cora P. Harlan | 10082 | Emma Murray | 10183 |
| William L. Singleton | 10083 | Annie Winton | 10187 |
| Lester Evans | 10084 | Marian Evans | 10188 |
| Ellen Mayfield | 10085 | Elizabeth J. McClain | 10192 |
| Ella Bray | 10087 | Eliza J. Price | 10199 |
| David J. Matthews | 10094 | Rissie Still | 10200 |
| Thomas Brown | 10100 | Hannah E. Langley | 10201 |
| Houston J. Payne | 10103 | Alma Keith | 10203 |
| Malinda E. Scudder | 10104 | Flora A. Terrill | 10204 |
| Henry Odell | 10105 | Talesphora A. Pardee | 10205 |
| Fred Macy | 10107 | Samuel Shadix | 10206 |
| Mary Russell | 10108 | Mary E. Childers | 10207 |
| Thomas B. Brown | 10109 | Robert M. Hamilton | 10208 |
| Samuel L. Milligan | 10111 | Julia Billingslea | 10209 |

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|----------------------|-------|-----------------------|-------|
| Nannie Martin | 10210 | Joseph Reed | D 468 |
| Sarah A. Fields | 10214 | Adolphus J. Hallum | D 483 |
| Susie Henderson | 10216 | Alexander Walker | D 490 |
| Charles H. Rienhardt | 10218 | Albert J. High | D 491 |
| William H. Watkins | 10221 | America Matoy | D 501 |
| Frank M. Rucker | 10222 | Moses L. Grazier | D 503 |
| Henry C. Reed | 10224 | Myrtle Hall | D 509 |
| Laura B. Timberlake | 10226 | Wallace Thursday | D 544 |
| George A. Brown | 10228 | Thomas W. Baker | D 546 |
| Drucilla Lowrey | 10232 | Mattie E. Keys | D 550 |
| Almira Mouse | D 9 | William S. Edwards | D 560 |
| Lenora Prather | D 16 | Susan L. Reed | D 572 |
| Andrew M. Cooter | D 17 | William H. Lyman | D 574 |
| Martin L. Stokes | D 28 | Gracia Davis | D 577 |
| Peter Walters | D 44 | Edward C. Bolen | D 582 |
| Columbus M. Reeves | D 58 | Dora Guthrie | D 585 |
| Sarah Barnes | D 103 | Samuel H. Hawkins | D 594 |
| George T. Kiddy | D 108 | Lula M. Purcell | D 600 |
| Henry C. Agent | D 139 | Ben Estes | D 603 |
| Joseph Phipps | D 147 | Thomas M. Reynolds | D 621 |
| Henry Hilton | D 149 | Arthur Dodge | D 622 |
| David A. McGlamery | D 161 | Carrie L. McNair | D 624 |
| Maggie Doublehead | D 169 | Constantine N. Walker | D 641 |
| Annie Lovett | D 180 | Joseph Davis | D 648 |
| Nora Hood | D 184 | Leander A. Keys | D 650 |
| John A. Johnson | D 232 | James J. Barndollar | D 655 |
| Nathaniel G. Simpson | D 242 | Nathan J. Brink | D 682 |
| Oncico W. Head | D 244 | William S. Miles | D 688 |
| Etta Taylor | D 245 | Emma Waybourn | D 698 |
| Susan V. Sullivan | D 262 | Dora E. Rogers | D 708 |
| Levi H. Tackett | D 263 | James W. Turley | D 709 |
| William H. Connelley | D 264 | Lizzie Ward | D 711 |
| Julia A. Sullivan | D 284 | Robert J. Holly | D 713 |
| May Fields | D 297 | Belle I. Quinton | D 728 |
| Katie Hummingbird | D 308 | Francis M. Boothe | D 734 |
| William F. Sager | D 320 | Amos W. Lord | D 746 |
| Lovick P. Garrison | D 334 | Agnes N. Childers | D 749 |
| Henry Grubb | D 338 | John E. Renfrow | D 752 |
| Lucy F. Lacey | D 340 | William Coon | D 759 |
| Callie Blevins | D 341 | Louis Bruere | D 779 |
| James S. Alfrey | D 355 | Georgia A. Waybourn | D 786 |
| Shadrack C. Wallen | D 368 | Eliza Fields | D 787 |
| Ada Hall | D 376 | William H. Brown | D 788 |
| Jane M. Hicks | D 396 | William A. Cox | D 793 |
| Fannie L. Dupree | D 403 | Charles A. Robison | D 799 |
| Willis Battles, Jr. | D 404 | Artha Williams | D 800 |
| Joshua W. Ellis | D 413 | Adam Gearhart | D 806 |
| Nina B. Owen | D 450 | Cicero F. Rogers | D 855 |
| John M. Ridenour | D 458 | Annie Garrett | D 856 |
| Emery S. Thompson | D 464 | George S. Yarborough | D 875 |

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|-----------------------|--------|----------------------|--------|
| Rhoda A. Sanders | D 878 | Ella Vann | D 1320 |
| Manuel Spencer | D 884 | Linnie Wofford | D 1330 |
| Benjamin H. Hulbert | D 891 | Minnie Downing | D 1332 |
| Mary Brassfield | D 935 | Katie Rider | D 1334 |
| James L. Tirdle | D 944 | Samuel G. Mills | D 1337 |
| Silas G. Reneckar | D 966 | Alfred H. Woods | D 1342 |
| Eliza Wofford | D 967 | Cynthia Whitekiller | D 1352 |
| Jasper L. Newton | D 971 | Susie McSpadden | D 1361 |
| John N. Guinn | D 974 | Martha J. Houston | D 1363 |
| Hannah Parson | D 989 | Samuel M. Collier | D 1367 |
| Nellie C. Helterbrand | D 1003 | Katy Payne | D 1369 |
| Thomas J. Welch, Jr. | D 1006 | Joseph H. Warren | D 1375 |
| Lizzie Christian | D 1010 | Mattie Miller | D 1433 |
| George Hazlewood | D 1013 | S. F. Moore | D 1434 |
| James M. Jones | D 1022 | Addie Schrimsher | D 1448 |
| Reuben A. Evans | D 1032 | Fannie Vann | D 1458 |
| Carrie H. Cobb | D 1049 | Marcella Blakeney | D 1474 |
| John M. Burns | D 1069 | G. W. Williamson | D 1555 |
| Sarah E. Henson | D 1083 | C. F. Walker | D 1558 |
| Laura D. Henson | D 1086 | Louisa Blevins | D 1567 |
| Hettie E. Downing | D 1090 | Frank Cowles | D 1581 |
| Benjamin F. Crain | D 1099 | Mary Francis Madding | D 1637 |
| Benjamin Strickler | D 1129 | Thomas Rodman | D 1661 |
| Nancy Spaniard | D 1130 | Katie Still | D 1866 |
| Annie Wilson | D 1131 | Ira Creach | D 1913 |
| Ora H. Maxwell | D 1135 | D. A. Mounts | D 1967 |
| Reuben W. Moore | D 1136 | J. C. Sefton | D 1991 |
| Cora Childs | D 1146 | Jennie Holland | D 2024 |
| Janie Hughes | D 1179 | Lou Sanders | D 2216 |
| Francis B. Reid | D 1180 | Caroline Barnes | D 2591 |
| Martha Carey | D 1195 | Lacey Crane | D 2592 |
| Christina Johnson | D 1199 | Daisy Cash | D 2595 |
| Louvenia Ironside | D 1208 | Hiram A. Landers | D 2599 |
| Martha J. Henson | D 1218 | Charles Neel | D 2603 |
| David A. Martin | D 1228 | Mattie Robinson | D 2605 |
| Fred D. McEnery | D 1235 | Jennie Rich | D 2606 |
| Nathaniel R. Martin | D 1261 | Alexander C. Russell | D 2607 |
| James H. Requa | D 1266 | Pricilla Ross | D 2608 |
| Frank Carver | D 1267 | Tom W. Reeves | D 2609 |
| Etta B. Payne | D 1270 | Mary Smart | D 2612 |
| Mary Garrett | D 1271 | Rufus Tidmore | D 2613 |
| Joe W. Goodman | D 1272 | Jasper Turquitt | D 2614 |
| Mathew J. Flanigan | D 1274 | Mabel West | D 2618 |
| Lizzie C. Holland | D 1285 | Ophelia West | D 2619 |
| Etta Downing | D 1291 | Cora Whisenhunt | D 2620 |
| William Caywood | D 1296 | Katy Martin | D 2667 |
| Clarence W. Turner | D 1307 | Willis Butler | D 2686 |
| Alfred Chaney | D 1313 | Claud Barger | D 2687 |
| Euphemia Sweetwater | D 1314 | Disie Conner | D 2698 |
| Etta Russell | D 1319 | John Culwell | D 2699 |

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|-----------------------|--------|---------------------|--------|
| Herbert F. Couch | D 2700 | Samuel A. Parkhurst | D 2821 |
| Albert C. Dykes | D 2703 | Ellen Rogers | D 2822 |
| Delora Drew | D 2704 | Elijah Rolland | D 2827 |
| Frank F. Danderson | D 2705 | Endora Steele | D 2828 |
| James Gafford | D 2708 | William M. Stucker | D 2829 |
| Anna L. Harlin | D 2715 | Sallie Tauuneacie | D 2831 |
| William R. Lipsey | D 2717 | Mary Tassle | D 2832 |
| Bertha Landrum | D 2718 | John F. Wolf | D 2835 |
| Lila More | D 2722 | Ruth A. Ward | D 2840 |
| John D. Mathews | D 2723 | Winnie Daugherty | D 2884 |
| Mary McIntosh | D 2725 | Mary Guthrie | D 2885 |
| Bertha Nidiffer | D 2730 | Lydia Long | D 2886 |
| Richard Nichols | D 2731 | Edda Roberts | D 2887 |
| William S. Ross | D 2738 | Manda Ward | D 2889 |
| Irene Riley | D 2739 | Elmira J. Alberty | D 2905 |
| William H. Rowley | D 2740 | Thomas C. Cordray | D 2906 |
| Colombus C. Scroggins | D 2741 | Edward Fowler | D 2907 |
| Della Summers | D 2743 | Dora Foreman | D 2908 |
| William S. Sage | D 2744 | Parker Holt | D 2909 |
| Eliza Thomas | D 2748 | John Haston | D 2910 |
| John P. Thurman | D 2749 | Georgie Harlin | D 2911 |
| Mary E. Davis | D 2770 | Percillia Johnson | D 2913 |
| Jessie Frick | D 2774 | Bettie Morton | D 2915 |
| Enna Buffington | D 2788 | Samantha Spade | D 2917 |
| Will Black | D 2789 | Mariah Ward | D 2918 |
| Maggie E. Davis | D 2792 | Ellen Watt | D 2919 |
| Thomas Dotts | D 2793 | Nora Morten | D 2920 |
| William Daws | D 2794 | Lizzie Anderson | D 2981 |
| Nancy Dawson | D 2796 | Francis Duval | D 2984 |
| Lena Fields | D 2797 | Wade S. Hayes | D 2987 |
| Effie Grayham | D 2798 | James A. Hankins | D 2988 |
| Alice C. Hill | D 2799 | Joseph Hardee | D 2991 |
| Bertha H. Harlin | D 2800 | Tennie Horn | D 2992 |
| Margrett C. Hudson | D 2801 | Eveline Hall | D 2993 |
| Joseph A. Kelley | D 2803 | John E. Leftwich | D 2995 |
| Andrew O. Kepler | D 2804 | Mattie Henson | D 2994 |
| Josephine King | D 2805 | John D. Colvard | D 2998 |
| Sarah Jane Birdsong | D 2806 | Charles W. Phillips | D 2999 |
| Marion Maddox | D 2807 | Sarah Shanks | D 3000 |
| John A. McKenzie | D 2808 | Nettie Young | D 3009 |
| Ione McGee | D 2809 | Jerry P. Ables | D 3048 |
| Ollie Miller | D 2810 | Almedie Ross | D 3052 |
| William A. Martin | D 2811 | John S. J. Fowler | D 3055 |
| Jesse P. Morrow | D 2812 | Leaner Hood | D 3056 |
| Oliver Mason | D 2813 | James D. Jackson | D 3057 |
| Edna Whitehead | D 2814 | Emma G. Nelson | D 3058 |
| Charley Nuckolls | D 2815 | Alice Simco | D 3059 |
| Etta M. Nidiffer | D 2817 | George O. Wallace | D 3060 |
| Louizer Ossowee | D 2818 | Fannie Clay | D 3078 |
| William H. Patterson | D 2820 | Ellen Drew | D 3079 |

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|--------------------|--------|-------------------|-------|
| Lue Fish | D 3081 | Della Baldrige | R 105 |
| Horace Gray | D 3082 | Samuel Richey | R 107 |
| Lula Pack | D 3083 | Malissa Fields | R 144 |
| Lelia C. Harris | D 3084 | Fred Zimmerman | R 220 |
| Thomas Jones | D 3086 | Ella Anspach | R 241 |
| Benjamin Laws | D 3088 | Michael R. Mizer | R 266 |
| Martha Spade | D 3092 | Belle A. Powell | R 352 |
| Julian Wyrick | D 3093 | Austin L. Hill | R 420 |
| Samuel Harlan | D 3157 | Mary L. Dudley | R 439 |
| Lizzie Phariss | D 3171 | Stephen Hazlett | R 465 |
| Jack Michael | D 3172 | Mary A. Payne | R 484 |
| Sarah E. Davis | D 3176 | Rebecca Bengé | R 563 |
| Grace Guthrie | D 3181 | Sarah Wilson | R 613 |
| Mary E. Thornton | D 3183 | Dora Crane | R 628 |
| Mamie Thompson | R 4 | Andrew Sitrell | R 642 |
| Jimmie G. Thompson | R 5 | John Sitrell | R 642 |
| William T. Kelly | R 10 | Lillie May Wilson | R 643 |
| Alice Tidwell | R 19 | Ollie A. Barger | R 656 |
| Rosenna McLaughlin | R 41 | Ida Hawkins | R 671 |
| Martha A. Perdue | R 45 | Lizzie Davis | R 761 |
| Gabriel L. Payne | R 61 | Clara M. Emmons | R 803 |

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Cherokee

Q 100

Muskogee, Indian Territory, March 14, 1907.

George T. Kiddy,

Vian, Indian Territory.

Dear Sir:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

MTM

Commissioner.

Cherokee
5 et al

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. C-100
IMC

Cher R 1035

Trans from Cher D113

Cher R 1035


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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 13 1900



ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

(66)

1 Name James S. Hunt Date AUG 13 1900 1900.

District Sequoyah Year 1896 Page 118 No. 1448

Citizen by blood Yes Mother's citizenship None

Intermarried citizen None

Married under what law None Date of marriage None

License None Certificate None

2 Wife's name Jackie S. Hunt

District Sequoyah Year 1896 Page 118 No. 1448

Citizen by blood Yes Mother's citizenship None

Intermarried citizen None

Married under what law None Date of marriage None

License None Certificate None

Names of Children:

3 John S. Hunt Dist. Sequoyah Year 1896 Page 118 No. 1448 Age 14

4 Wm. S. Hunt Dist. Sequoyah Year 1896 Page 118 No. 1448 Age 12

5 Lillie S. Hunt Dist. Sequoyah Year 1896 Page 118 No. 1448 Age 10

None Dist. Sequoyah Year 1896 Page 118 No. 1448 Age 8

None Dist. Sequoyah Year 1896 Page 118 No. 1448 Age 6

None Dist. Sequoyah Year 1896 Page 118 No. 1448 Age 4

None Dist. Sequoyah Year 1896 Page 118 No. 1448 Age 2

None Dist. Sequoyah Year 1896 Page 118 No. 1448 Age 0

None Dist. Sequoyah Year 1896 Page 118 No. 1448 Age 0

None Dist. Sequoyah Year 1896 Page 118 No. 1448 Age 0

None Dist. Sequoyah Year 1896 Page 118 No. 1448 Age 0

(C O P Y)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MULDROW, I. T., AUGUST 13, 1900.

In the matter of the application of James Shook for enrollment of himself, wife and children, as citizens of the Cherokee Nation, said Shook being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A. James Shook
Q Your age? A. 66
Q Your postoffice address? A. Union Town, Ark.
Q Are you a recognized citizen of the Cherokee nation, A. Yes, I suppose so.
Q Don't you know you are? A. I have always known so until now-- don't know what it is now.
Q Are you on any of the rolls of the Cherokee nation? A. Yes.
Q Claim citizenship by blood? A. Yes.
Q What district do you live in? A. Sequoyah.
Q How long have you lived there? A. Ever since peace was made in '66.
Q Continuously? A. Yes.
Q Never lived out? A. No sir.
Q What is your father's name? A. Alex.
Q Is he living? A. No sir.
Q What is your mother's name? A. Della
Q Is she living? A. No, sir.
Q Are you married? A. Yes.
Q What is your wife's name? A. Sarah E.
Q What was her name before you married her? A. Sears.
Q When did you marry her? A. Before the license law ever came into effect.
Q Did you marry her before '80? A. Yes.
Q What district does she live in? A. Sequoyah.
Q Always lived there same as you? A. Yes.
Q Have you any children under 21 years of age? A. Yes.
Q What are their names? A. John B., 18 years old.
On '96 roll, page 994, number 1278.

- Q Next? A. Amos, 14 years old.
On '96 roll, page 1103, number 1451
On '94 roll, page 994, number 1279, as Amos.
Q Next? A. 12 years old. (Lillie)
On '96 roll, page 1103, number 1452, as Lillie M.,
On '94 roll, page 994, number 1280, as Lelia M.
Q Are these children alive and living with you? A. Yes.

By Mr. Hastings, Cherokee Attorney:

- Q Where were you in '80? A. In Yell county, Ark.
Q How long did you live in Yell county, Ark.? A. About 20 years.
Q What year did you go there? A. 1870.
Q You remained there until '90? A. I reckon it was '90. I don't know what year we came back; came back the year we drewed that bread money--it was before the strip payment.
Q All of these children born in Arkansas? A. Yes.

By the Commission:

- Q When did you move back from Arkansas here? A. In '90 I reckon.
Q Been living here ever since '90 with your family, wife and children, all the time in this district? A. Yes.

Applicant on '96 roll, page 1103, number 1448;
On '94 roll, page 994, number 1276.
Applicant's wife, Sarah E., on '96 roll, page 1118,
number 174, as Sarah S.

- Q You say your wife's name before you married her was Sarah E. Sears?
A Yes.
Q You married her in the State of Arkansas? A. Yes.
Q Was she a citizen of the Cherokee Nation? A. No sir, not that I know of.
Q Neither was her father or mother? A. No sir.
Q Did you apply for citizenship to the Commission to the Five Civilized Tribes known as the Dawes Commission? A. Not for myself, but I did for some of my children.
Q When? A. '96
Q Were they admitted? A. No sir.
Q Did you ever apply to the Cherokee Commissioners for admission?
A No sir, I thought I was a Cherokee and did not see any use of it
Q You have never been readmitted by the Cherokee Nation?
A I don't know.

The names of James Shook and his wife, Sarah E., and his children, John B., Amos, and Lillie M., appear upon the census roll of '96 and pay-roll of '94 as indicated in the testimony given. Neither his name nor the name of his wife appear upon the authenticated roll of '80, the testimony showing that he only became a resident of the Cherokee Nation in '90, having resided for 20 years previous there to in the state of Arkansas where he married and his children were born, and he never applied to the Commission to the Five Civilized Tribes in '96; at least there is no record of him or his wife having been admitted. Final judgment as to himself, wife and children is suspended and the names will be placed upon the doubtful list.

The undersigned, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) BROWN McDONALD

Subscribed and sworn to before me this 30th day of August, 1900,
at Fort Gibson, I.T.

(Signed) C. R. BRECKINRIDGE
Commissioner

Lucy M. Bowman being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that same is a full true and correct copy of the original transcript.

Subscribed and sworn to before me
this 17th day of February, 1906



Notary public

89713

Cherokee D-113.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of James Shook et al. for enrollment as citizens of the Cherokee Nation.

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On the 15th day of August, 1900, James Shook appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his children, John B., Amos and Lillie M., as citizens by blood, and for the enrollment of his wife, Sarah E., as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the evidence offered at that time the names of all the applicants for whom application is made herein were placed upon a doubtful card for further consideration.

On the 4th day of February, 1902, the principal applicant was notified by registered letter that his application for the enrollment of himself, his wife and three minor children would be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office, in Muskogee, Indian Territory, on the 18th day of February, 1902, and that on said date, if he desired, he could appear before the Commission in person or by attorney.

No further appearances have been made in the case and the following decision is rendered:

D E C I S I O N .

From the evidence of record in this case it appears that James Shook is a Cherokee by blood; that his wife is a white woman. No evidence of marriage is submitted other than the testimony of the principal applicant. The children for whom he applies are minors and were all born in the State of Arkansas.

It further appears that the principal applicant moved to the State of Arkansas in 1870 where he continued to reside until 1890, at which time he returned to the Cherokee Nation and has continued to reside therein. He is duly identified on the Cherokee Pay Roll of 1894 and the Census Roll of 1896, but not upon the 1880 authenticated tribal roll. His children, Amos and Lillie M., are duly identified on said rolls. His wife, Sarah E., and his child, John B., are duly identified on the 1896 Census Roll. The name of his wife is not found on the 1880 authenticated tribal roll.

It does not appear that the applicants, or any one of them, have been lawfully admitted to citizenship by the tribal authorities of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by the United States Court on appeal, under the provisions of the Act of Congress of June 10, 1896.

The principal applicant was married to his wife in the State of Arkansas prior to the year 1880.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In the record of the Supreme Court of the Cherokee Nation from October 1868 to November 1887, page 165, the Supreme Court, having under consideration the question of forfeiture of citizenship in the case of Wilburn Beattie vs. Steven Carlisle, said:

"It is evident from the testimony that William A. Beattie, deceased, moved with his property and effects to Texas about the year 1847, and to all intents and purposes became a citizen of another government by residence in said state for twelve years or more; that about 1861 he returned with his family to the Cherokee Nation and bought the place now in litigation, but there is no proof that he was restored to the rights and privileges of citizenship by an act of the National Council, or that he ever petitioned for such right. As well as himself, his wife and children were citizens of another government, as the condition of all, under the circumstances, followed that of the husband and father. Not one of them were citizens, as far as can be determined, under the constitution of the Cherokee Nation at that time, and therefore, had no rights in the country except at the pleasure of the National Council."

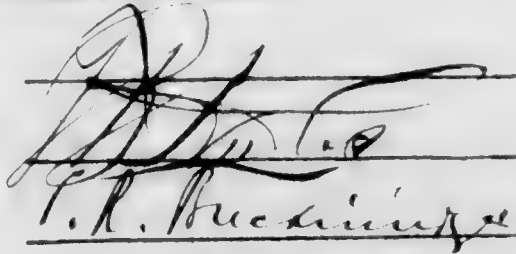
Article One, Section Two, of the Cherokee Constitution is considered applicable in this case.

"The lands of the Cherokee Nation shall remain common property; but the improvements made thereon, and in the possession of the citizens of the nation are the exclusive and indefeasible property of the citizens respectively who made, or may rightfully be in possession of them; provided, that the citizens of the Nation possessing exclusive and indefeasible right to their improvements, as expressed in this article, shall possess no right or power to dispose of their improvements, in any manner whatever, to the United States, individual states, or to individual citizens thereof; and that, whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; provided, nevertheless, that the National Council shall have power to readmit, by law, to all the rights of citizenship, any such person or persons who may, at any time, desire to return to the Nation, on memorializing the National Council for such re-admission."

It is the opinion of this Commission that the applicant, by reason of his removal without the limits of the Cherokee Nation, and remaining absent therefrom for the period of twenty years, forfeited whatever rights he may have enjoyed as a Cherokee citizen at the date of his removal, and that without proof of his restoration to the rights and privileges of citizenship, in the manner provided by law, such forfeiture continued.

The condition of all, under the circumstances, followed that of the husband and father.

In view of the facts and the law in this case it is considered that James Shook and his children, John B., Amos and Lillie M., are not entitled to be enrolled as citizens by blood of the Cherokee Nation, and that his wife, Sarah E., is not entitled to be enrolled as a citizen by intermarriage of said nation, and the application made for their enrollment is denied.

A handwritten signature in dark ink, appearing to read "T. R. Buckner", is written over three horizontal lines. The signature is fluid and cursive.

Commissioners.

Dated at Muskogee, Indian Territory,

D. 114.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 18, 1902.

In the matter of the application of William T. Shook for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered mail February 4, 1902, that his case would be taken up for final consideration by the Commission on the 18th instant, and that he could on said date appear before the Commission and introduce any additional testimony affecting his case. He has been called three times and fails to respond either in person or by attorney, and the case is closed.

A handwritten signature in dark ink, appearing to be 'J. H. ...', written over a horizontal line.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 11 1902

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
FT. SMITH, ARK., FEBRUARY 14, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SARAH E. SHOOK ET AL., as citizens by blood of the Cherokee Nation.

APPEARANCES:

Principal applicant in person.

For Cherokee nation, L. B. Bell on behalf of W. W. Hastings.

SARAH SHOOK, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Sarah Shook .
- Q Is your full name Sarah E. Shook? A Yes sir.
- Q How old are you? A About 49.
- Q What is your post office? A Uniontown, Arkansas.
- Q Are you the widow of James Shook, who was an applicant for enrollment as a citizen by blood of the Cherokee Nation? A Yes sir.
- Q He is dead now? A Yes sir.
- Q You have four children who are applicants for enrollment? A Yes sir.
- Q Give their names? A William Tucker, John the Baptist, and Lillie May, and Amos.
- Q Are they all living at this time? A Yes sir, they are all living.
- Q Your husband left the Cherokee nation several years prior to the time the 1880 roll was made, do you know the date that he left the Cherokee nation? A No sir, I don't.
- Q Were you and he married when he left the Cherokee Nation? A No sir.
- Q Do you know when he returned to the Cherokee Nation? A I don't know exactly, it has been about 15 years though I reckon.
- Q Were you and he married in Arkansas? A Yes sir.
- Q At what place? A Bardenelle.
- Q In what County is that? A Yell County.
- Q Do you know in what year you were married? A No sir, I don't.
- Q How long were you married before your oldest child was born? A A little over a year.
- Q What is the name of your oldest child? A William Tucker.
- Q Was he born in Arkansas? A Yes sir.
- Q Were all of your children born in Arkansas? A Yes sir.
- Q Do you know whether your husband ever voted in Arkansas? A He never did.
- Q Did he own his home there? A No sir, he never owned anything at all there, he never owned anything at all there, he never claimed that as his home, he was always going backwards and for ards to the nation to see about his little home here.
- QQ Did he have a homestead in Arkansas? A No sir.
- Q How he lived there, according to his testimony about 20 years, did he ever exercise the right of citizenship of Arkansas? A No sir.
- Q Now when he returned to the Cherokee nation about 15 years ago, as you state, where did he settle, where did he locate? A Well he stopped here yond side of Fort Smith and stayed there a little while and then went on up into the Nation.

- Q The other side of Fort Smith was that in or out of the Cherokee Nation? A It was in the Cherokee nation.
- Q How long did he live there just as you mentioned out of Fort Smith? A He just stayed there about 3 or 4 months I reckon.
- Q Then where did he go? A He went up into the Nation close to Uniontown.
- Q When he moved up close to Uniontown did he live in the Cherokee Nation or over in Arkansas? A He lived in the Cherokee Nation.
- Q Now after he located in the Cherokee nation did he vote and exercise the rights of suffrage in the Cherokee Nation? A Yes sir, he did.
- Q Was he recognized as a citizen of the Cherokee Nation? A Yes sir.
- Q Did he own a place on the public domain of the Cherokee Nation? A Yes sir.
- Q When he left the Cherokee Nation in 1870, as he testified, did he leave any property in the Cherokee nation? A Yes sir, he left some hogs and cattle.
- Q In whose custody did he leave them? A I don't know who he left them with.
- Q Do you know whereabouts he left them? A No sir, somewhere in Flint.
- Q Flint district? A Yes sir.
- Q When he returned to the Cherokee nation did he find any of them? A No sir, he never found any of them.
- Q When he returned to the Cherokee Nation did he settle in or near the place in the Cherokee nation that he had gone away from? A Yes, it was tolerable close to the place, about four miles I reckon.
- Q What sort of place did he take up in the Cherokee nation, did he improve a place or did he buy one? A He bought a place.
- Q Then did he live on it? A Yes sir, until he died.
- Q How much was there in that place that he controlled, about how much? A In the field?
- Q Yes? A About 30 acres I reckon.
- Q Did he farm the place? A Yes sir, he done a heap of work on the place.
- Q Do you know whether he ever applied to the Dawes Commission for admission to citizenship in the Cherokee nation? A I think he did.
- Q In order that you will understand it I will explain to you that the Dawes Commission in 1896 was clothed with authority to admit persons to citizenship, that is persons whose names were not on the Tribal rolls and who were not recognized at that time as citizens, did he apply for admission, not for enrollment, at that time? A I don't know for certain but I think he did though.
- Q Do you know what was done with his application? A No sir.
- Q While he lived in Arkansas, did he own any property at all? A No sir, he never owned anything at all.
- Q Was his citizenship ever questioned after he returned to the Cherokee Nation? A I can't tell you that.
- Q When your husband located across from Fort Smith, the way you put it, did he own a place there? A No sir.
- Q You stated just now informally that he took you down and showed you a place which he owned? A Yes sir.
- Q Where was that place? A It was that place 4 miles from Uniontown, or 6 it might be.
- Q Was that the place you live on now? A No sir, we live about 3 miles from Uniontown, the place he bought.
- Q Did he ever live on that place he had? A No sir.
- Q While he was living in Arkansas did he ever make any trips to the Cherokee Nation? A Yes sir, he made lots of trips backward and forward.

Q What for? A To see if he thought it would be safe for him to come back, his life was threatened and he had to leave to keep from being killed, and he come back to see when he could come back, when it would be safe for him to come back. That is what he left for, it was on account of his life.

Q Do you know whether he regarded the Cherokee Nation as his home?

A Yes sir, he did.

Q Was it on account of some sort of trouble that he left the Cherokee nation? A Yes sir, he was a witness and there was some more parties threatened to kill him for being a witness, threatened his life, the Dave Ross party and I think it was Little that got killed, that he was a witness against.

Q Do you know whether he returned to the Cherokee Nation when he thought it would be safe for him to do so? A Yes sir.

Q Did he pay taxes in Arkansas? A No sir, never did.

BY MR. BELL:

Q Were you acquainted with Chook before he left the Cherokee nation?

A No sir.

Q You knew him only from the time you met him in Arkansas after 1870? A Yes sir.

Q Nothing about his antecedents before at all? A No sir.

Q Who was it you said was killed up there that he was a witness in?

A Little I think was the man's name.

Q You say he never paid any taxes in Arkansas? A No sir.

Q Never voted? A No sir.

Q Never held an office? A No sir.

Q Didn't own any property? A No sir.

Q What did he do for a living? A Worked by days work for a living.

Q Just worked about? A Yes sir.

Q How old is your oldest child? A 30, no 25 I reckon, I forget how old he is.

Q Are you of Cherokee blood yourself? A No sir.

Q You are a United States citizen? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

Q When did your children return to the Cherokee Nation with reference to the date of your return? A Yes sir, at the same time, we all come together when we come.

Q Have your children lived in the Cherokee nation continuously since they returned to the Cherokee nation? A Yes sir, all but about a year.

Q When was that? A That was when they went to---well it wasn't a year, about 4 or 5 months, when they worked at the coal mines, but they come back.

Q Just a way a short time? A Yes sir.

Q Did your children, or any of them ever take up citizenship anywhere outside of the Cherokee nation? A No sir, they were all small when they came back to the Cherokee nation.

Q Have they voted in the Cherokee Nation since then? A Yes sir.

Q Been recognized as citizens? A Yes sir.

BY MR. BELL:

Q Have you lived at the same place all the time after you moved back? A Yes sir, all the time but about 3 or 4 months while we were at the coal mines.

Q How long has your husband been dead? A Been dead going on 7 years.

Q Who are your neighbors up there? A Well there is several living around there, Mot's Hyatt, and Snows, and Duty's and Turman.

Q How far do you live from the Arkansas line? A Well it is about a mile I reckon.

Q In the Cherokee nation? A Yes sir.

Q Do you know wancy Seabolt? A Yes sir.

Q How far do you live from her? A I don't know exactly how far.

Q 4 or 5 miles, or 2 or 3? A 4 or 5 miles I reckon.

JAMES M. KEYS, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A James M. Keys.
- Q Your age? A 63 years.
- Q What is your post office? A Pryor Creek, I. T.
- Q You are a Cherokee by blood? A Yes sir.
- Q Do you know the witness Sarah E. Shook? A No sir.
- Q Did you know her husband James Shook during his life time? A Yes sir, I met James Shook during his life time.
- Q Have you held several positions in the Cherokee nation? A Yes sir.
- Q Were you in 1851 one of the Census takers who compiled the roll of 1851? A No sir, at a later date I was appointed, my recollection is it was while Cleveland was President, I was appointed one of the Old Settler's Census takers.
- Q Was that for the purpose of making a roll containing the names of the persons who were the so called "Old Settlers" of the Cherokee nation, and who were entitled to certain privileges as original beneficiaries? A Yes sir.
- Q Do you know whether James Shook's name was placed upon the roll of 1851? A Yes sir, James Shook, the name of James Shook appeared upon the 1851 old settler roll.
- Q Do you know that of your own knowledge? A Yes sir, he appeared in person and claimed the share as an original beneficiary.
- Q Did he appear before you? A Yes sir.
- Q Did you place his name on that roll? A Yes sir.
- Q Were the names of only Cherokees by blood placed upon that roll? A Yes, they may have been a few names placed there but it was intended that only old settlers Cherokee names appear there, but there was a few names that were not Cherokees.
- Q It was the intention to only place the names of citizens of the Cherokee nation upon that roll? A Yes sir.
- Q Was James Shook at that time recognized as a citizen of the present Cherokee nation? A I don't know sir, but he established fully that he was the James Shook on the 1851 roll and he drew his old settler money under that name.
- Q You recognized him as being a citizen of the Cherokee nation? A Yes sir.
- Q Do you know whether his name was placed upon that roll as being a Cherokee by blood? A Well I don't know as to that but he was an old settler and that is my impression he was an old settler Cherokee by blood. We didn't question it after we found his name upon the roll.
- Q Was the roll of 1851 supposed to have contained the names of only persons who were of Cherokee blood? A Yes sir.
- Q Was that roll supposed to have contained the name of the persons and who migrated to the Cherokee nation, and their descendants prior to 1834? A Yes sir.
- Q Was it supposed to have determined persons who were Cherokee citizens at that time or was it supposed to have contained the names of those original beneficiaries and their descendants? A No, to the first proposition. It didn't necessarily establish citizenship at the present time, at that time, in the Cherokee nation

- 3-
- Q Then in making that roll you only endeavored then as I understand it, to determine who the old settlers were and their descendants, and to make the payment to them? A Yes sir, that is the idea exactly.
- Q A person might not have at that time been a citizen of the Cherokee Nation and still have drawn that money? A Yes sir.

WITNESSES EXCUSED.

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Geo. H. Lesaley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lesaley

Subscribed and sworn to before me this 16th day of February, 1906.

B. P. Rasner

Notary Public.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

1. *Chlorophyll a* and *Chlorophyll b* contents were determined by spectrophotometry using the method of Lichtenthaler and Whistler (1987).

10

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Sarah E. Shook as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muldrow, Indian Territory, August 13, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Sarah E. Shook as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on August 29, 1902, and February 14, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, herein, Sarah E. Shook, is a white woman, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage to James Shook in Yell County, Arkansas, in 1876 or 1877. Said applicant did not therefore marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Daniel Red Bird et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Sarah E. Shook, is not entitled under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Dated at Muskogee, Indian Territory


Commissioner

this _____

27
149 1 100

COMMISSIONERS
HENRY L. DAVIS
SAMUEL H. HUBBY
THOMAS H. HUBBARD
JOHN H. KENNEDY

ALFRED L. AYERSWORTH
SARITARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

COMMUNICATION NO. 100

Muskogee, Indian Territory,

February 4th 1902

James Sheek,

Uniontown, Arkansas,

Sir:-

You are hereby notified that the application of **yourself, your wife and three minor children**

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

18th day of **February**, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-113

Register.

Yours truly,

Acting Chairman.

COPY

Cherokee D-113

Muskogee, Indian Territory, August 11, 1902.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that James Shook has been notified to appear before the Commission at its office in Muskogee, Indian Territory, within thirty days from date hereof and submit further evidence as to his recognition as a citizen of the Cherokee Nation prior to 1894.

Very respectfully,

Tams Birby

Acting Chairman.

Cherokee D-113

Muskogee, Indian Territory, August 11, 1902.

In the matter of the application of)
James Shook for the enrollment of)
himself and his children, John B.)
Shook, Ames Shook, and Lillie M. Shook,)
as citizens by blood of the Cherokee)
Nation; and for the enrollment of his)
wife Sarah E. Shook, as a citizen by)
intermarriage of the Cherokee Nation.)

N O T I C E.

To James Shook,

Uniontown, Arkansas,

You are hereby notified to appear before the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, within thirty days from date hereof and submit further evidence as to your recognition as a citizen of the Cherokee Nation prior to 1894.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY

rbj
Acting Chairman.

Register.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE,
WM. O. BRALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee D-113.

Muskogee, Indian Territory, January 13, 1905.

Sarah E. Shook,
Uniontown, Arkansas.

Dear Madam:

In the matter of the application for the enrollment of yourself and your minor children, John B. Amos and Lillie M. Shook, as citizens by blood of the Cherokee Nation, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to the residence of James Shook, your former husband, now deceased, and as to what Cherokee blood he possessed; also as to his recognition as a citizen of the Cherokee Nation prior to 1894.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, February 1, 1905, and introduce testimony touching the points above suggested.

In this connection you are advised that the Commission has heretofore requested you to furnish the testimony above asked for, and it is especially desired that you appear before the Commission on the date above mentioned and introduce the testimony above requested.

Respectfully,

Register.

Chairman.

COPY.

Cherokee D-113.

Muskogee, Indian Territory, March 15, 1905. /

Leonidas R. Johnson,

Roland, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of March 1, 1905, relative to the enrollment of Sarah E. Shook, et al. as citizens of the Cherokee Nation.

In reply you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of James Shook, now deceased, and as to what Cherokee blood he possessed; also as to his recognition as a citizen of the Cherokee Nation prior to 1894. You are further advised that the Commission has heretofore requested the applicants to furnish the testimony indicated, and it should be introduced at the earliest possible date.

Respectfully,

SIGNED.

James Dixby.

Chairman.

Cherokee D-113.

COPY.

Muskogee, Indian Territory, January 13, 1906.

B. L. Summerhill,

Uniontown, Arkansas.

Dear Sir:

In reply to your letter of January 3, you are advised that you will be notified if its decided to set the Cherokee enrollment case of Sarah E. Shook, et al., for hearing at any place other than the general offices of the Commissioner.

Respectfully,

SIGNED.

Jame Dixey
Commissioner.

LS

Cherokee D-113-114.

Muskogee, Indian Territory, February 7, 1906.

Sarah E. Shook,

Uniontown, Arkansas.

Dear Madam:

This office is in receipt of your letter of January 28, stating your inability to present testimony in connection with the Cherokee enrollment case of yourself and minor children at the general offices of the Commissioner in Muskogee, Indian Territory. Further testimony is desired as to the citizenship status of your deceased husband, James Shook, prior to the time he left the Cherokee Nation in 1878, and as to whether he identified himself with the State of Arkansas, and as to his property interests in the Cherokee Nation during his residence in said State.

You are hereby notified that you will be given an opportunity to appear before a field party of this office at Muldrow, Indian Territory, at one o'clock P. M., on Tuesday, November 13, 1906, at which time you are directed to introduce testimony along the lines indicated above. You will be advised of the place of hearing upon inquiry of the postmaster at Muldrow, on the above date.

Respectfully,

LS
Register

Acting Commissioner.

Cherokee D-113-114

Muskogee, Indian Territory, February 7, 1906.

B. L. Summerhill,

Uniontown, Arkansas.

Dear Sir:

In compliance with verbal request, you are hereby advised that Sarah E. Shook of Uniontown, Arkansas, has this day been notified that she will be permitted to appear before a field party of this office at Muldrow, Indian Territory, at one o'clock P. M. on Tuesday, February 13, 1906, for the purpose of introducing further testimony in her case.

She has been advised that further testimony is desired as to the citizenship status in the Cherokee Nation of her deceased husband, James Shook, prior to his departure from the Cherokee Nation in 1878; as to whether he identified himself with the State of Arkansas, and as to his property interests in the Cherokee Nation while residing in that State. As this matter is important, it should receive Mrs. Shook's proper attention.

Respectfully,

LS
Register

Acting Commissioner.

Cherokee D-113-114

Muskogee, Indian Territory, February 7, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that Sarah E. Shook of Uniontown, Arkansas, has this day been notified that she will be permitted to appear before a field party of this office at Muldrow, Indian Territory, on Tuesday, February 13, 1906, at one o'clock P. M., for the purpose of introducing further testimony as to the right to enrollment of herself and children as citizens of the Cherokee Nation.

Respectfully,

LS

Acting Commissioner.

Cherokee
D 113, 114

Muskogee, Indian Territory, February 17, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Fort Smith, Arkansas, on February 14, 1906, in the matter of the application for the enrollment of Sarah E. Shook, et al., as citizens by blood of the Cherokee Nation.

Respectfully,

Incl. 31-56.
GHL

Acting Commissioner.

Cherokee D-113

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1906, rejecting the application of Sarah E. Shook for enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in said case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *James*

Commissioner.

A. Encl-10

Cherokee D-113

Muskogee, Indian Territory, February 23, 1907.

Sarah E. Shook,
Uniontown, Ark.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1906, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

F. Encl-5

Register

(COP)

Muskogee, Indian Territory, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Sarah E. Shook as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 23, 1907, rejecting said application.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

Enc I-504

RPI

Through the Commissioner
of Indian Affairs.

Cherokee
D 118.

Muskogee, Indian Territory, March 29, 1907.

Sarah E. Shook,
Uniontown, Arkansas.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting your application for enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-45
LMC

D. Rodgers
Acting Commissioner

Cherokee
D-113 et al.

Muskogee, Indian Territory, March 29, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, rejecting the applications for the enrollment of Sarah E. Cheek, et al., as citizens of the Cherokee Nation, were affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. B-44
LMC

D. Rodgers
Acting Commissioner.

D.C. 12549-1907

LRS

J.P.
O.K.

DEPARTMENT OF THE INTERIOR,

I.T.D.

7026, 7038, 7072, 7088-07 WASHINGTON.
7114, 7124, 7130, 7132-07
7134, 7136, 7138, 7140-07
7142, 7152, 7156, 7160-07
7162, 7174, 7176, 7180-07
7182, 7190, 7192, 7200-07
7208, 7216, 7218, 7224-07
7228, 7296, 7330, 7348-07
7364, 7388-07

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

| Title of Case. | Date of Your
Letter of Transmittal. |
|--------------------------------------|--|
| Sarah . . Shook, | February 23, 1907 |
| Vernon G. Huddleston (Freedman), | February 16, 1907 |
| Edward T. Roberts, (intermarried), | February 23, 1907 |
| Lillie Moffett Dedson, | February 23, 1907 |
| Eugene and Lucinda Shaden | February 23, 1907 |
| Sarah C. Brackett, (intermarried), | February 23, 1907 |
| Andrue M. and Robert Leroy Stiles, | February 10, 1907 |
| Leone and Margree Gunter (Freedmen), | February 23, 1907 |
| Lydia V. Banks (Freedman), | February 23, 1907 |
| Eliza and Mama Benton, (Freedmen), | February 21, 1907 |
| Butler Franklin Stevenson, | February 21, 1907 |
| Charie M. Blackwell, (Freedman), | February 23, 1907 |
| Sam Bane et al. | February 23, 1907 |
| Ameline Weaver, (intermarried), | February 25, 1907 |
| John P. Scruggs, (intermarried), | February 22, 1907 |
| Sarah E. Parks, (intermarried), | February 20, 1907 |

Title of Case.

Date of Your
Letter of Transmittal.

| | |
|---|--------------------|
| Lucrecia Tidwell, (intermarried) | February 23, 1907. |
| John Wilkerson, (intermarried), | February 20, 1907. |
| Bennie Mackey (Freedman), | February 11, 1907. |
| Lucy Antoine, (intermarried), | February 23, 1907. |
| Mary E. Bible, (intermarried), | February 4, 1907. |
| Georgia Murry (Freedman), | February 18, 1907. |
| Nicholas Landrum, Jr. (Freedman), | February 23, 1907. |
| Oliver and Cordelia A. Fields (Freedmen), | February 23, 1907. |
| Josephine Harris (Freedman), | February 25, 1907. |
| John E. Hildebrand, | February 23, 1907. |
| Oscar L. Appelman, | February 20, 1907. |
| Mary A. J. Wixon, | February 23, 1907. |
| Geraldine Montgomery (Freedman), | February 23, 1907. |
| Martha Tidwell, | February 23, 1907. |
| Milly L. Brown, (intermarried) | February 2, 1907. |
| Sallie Pourkiller, | February 25, 1907. |
| Mary Harris et al. (Freedmen), | February 12, 1907. |
| Elias J. Baunhofer, et al., | February 25, 1907. |

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

34 inc. and 68 inc.
for Indian Office.

COPY

LAND
20893-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 23, 1907, relative to the application for the enrollment of Sarah E. Shook as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commissioner of February 23, 1907, rejecting the application.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct, and his decision rejecting the application is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH

**END
OF
REEL**

